

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
By Teams

Meeting Date
Thursday, 2 July 2020

Meeting Time
10.00 am

For further information please contact
Carol Johnson
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County Hall
Llandrindod Wells
Powys
LD1 5LG

25 June, 2020

Mae croeso i chi siarad yn Gymraeg neu yn Saesneg yn y cyfarfod, a bydd gwasanaeth cyfieithu ar y pryd ar gael.
You are welcome to speak Welsh or English in the meeting, and a simultaneous translation service will be provided.

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 19 March, 2020 as a correct record.

(Pages 5 - 10)

Planning

3.	DECLARATIONS OF INTEREST
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- a) To receive any declarations of interest from Members relating to items to be considered on the agenda.
- b) To receive Members' requests that a record be made of their membership of town or community councils where discussion has taken place of matters for the consideration of this Committee.
- c) To receive declarations from Members of the Committee that they will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

d) To note the details of Members of the County Council (who are not Members of the Committee) who will be acting as 'Local Representative' in respect of an individual application being considered by the Committee.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 11 - 12)

4.1. Updates

Any Updates will be added to the Agenda, as a Supplementary Pack, wherever possible, prior to the meeting.

(To Follow)

4.2. 19/1572/FUL Pontypentre , Llansantffraid-Ym-Mechain, Powys, SY22 6XP

(Pages 13 - 36)

4.3. 19/2042/FUL Former Red Dragon Public House & Newtown Youth Centre , Plantation Lane, Newtown, Powys, SY16 1LQ

(Pages 37 - 64)

4.4. 20/0300/DIS Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

(Pages 65 - 74)

4.5. 20/0642/NMA Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU

(Pages 75 - 82)

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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To receive for information a list of decisions made by the Head of Property, Planning and Public Protection under delegated powers.

(Pages 83 - 106)

6.	APPEAL DECISIONS
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To note Appeal and cost decisions.

(Pages 107 - 134)

7.	REVIEW OF THE TEMPORARY SUSPENSION OF THE LOCAL MEMBER CALL-IN OF PLANNING APPLICATIONS
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To review the temporary suspension of the local Member Call-in of planning applications.

Rights of Way

8.	DECLARATIONS OF INTEREST
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To declare any interests relating to the following agenda item.

9.	COMMONS ACT 2006, SECTION 19(2)B - APPLICATION TO CORRECT THE REGISTER
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Application 20-001CA to correct a mistake in the Register of Common Land made under Section 19 (2)b of the Commons Act 2006 in the Register unit RCL036, Rights Section entry number 30 concerning Land at Safn Y Coed, Llangurig, Communities of Rhayader and St. Harmon.

(Pages 135 - 172)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT COUNCIL CHAMBER - COUNTY HALL ON THURSDAY, 19 MARCH 2020

PRESENT

County Councillor K Lewis (Chair)

County Councillors L V Corfield, H Lewis, I McIntosh, D R Price, G Pugh, D Selby, K S Silk, E Vaughan, G I S Williams, D H Williams and J Williams

1.	APOLOGIES
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Apologies for absence were received from County Councillors L George, D R Jones, E M Jones, G Jones, M J Jones, F H Jump, P C Pritchard and R Williams.

2.	MINUTES OF THE PREVIOUS MEETING
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 27 February 2020.

Planning

3.	DECLARATIONS OF INTEREST
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(a) County Councillor H Williams declared an interest in application 19/1899/REM as he attended the Nant Helen Liaison Committee up to two years ago, but has not attended since.

County Councillor K Lewis declared a prejudicial interest in application 19/1477/FUL as the applicant is a client of his business.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

(c) The Committee noted that no Member (who is a member of the Committee) would be acting as 'local representative' in respect of any application on the agenda.

(d) The Committee noted that Councillor S Williams (who is not a member of the Committee) would be speaking as the 'local representative' in respect of an application on the agenda.

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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The Committee considered the report of the Head of Property, Planning and Public Protection (copies filed with the signed minutes).

4.1 Updates

The Members confirmed that they had received and had time to read the update circulated the previous day and prior to the meeting.

4.2 19/1899/REM Nant Helen Surface Mine, Coelbren, Neath

Grid Ref:	283050.34 211312.71
Valid Date:	11/11/2029
Community Council:	Tawe-Uchaf Community Council
Applicant:	Celtic Energy Ltd, 9 Beddau Way, Castlegate Business Park, Caerphilly, CF83 2AX
Location:	Nant Helen Surface Mine, Coelbren, Neath
Proposal:	Variation of condition 45 of planning approval 18/1070/REM to allow for a revised restoration scheme.
Application Type:	Variation of condition

County Councillor S Williams spoke as the local representative.
Mr W Watson spoke on behalf of the applicant.

The Committee noted the Update report. The Planning Officer advised that the Land Drainage Officer had advised that there were no objections to the proposal. However, if the Committee was minded to approve the application a condition should be added to require submission of a land drainage scheme and that the wording of this condition be delegated to the Lead Professional in consultation with the Chair. The Committee was advised that if it approved the application the Welsh Government would be notified and had 28 days in which to “call-in” the application.

In response to questions the Planning Officer advised that if the applicant walked away from the site the £19.8m bond would be sufficient to cover the restoration costs. In respect of the proposed attenuation pond he advised that the installation of a cutting for the removal of any excess water requires less maintenance than a culvert, which can become blocked. The ongoing maintenance would still be the responsibility of the landowner and if the cutting was not maintained enforcement action could be taken. If the landowner went into liquidation the land would revert to the Crown Estate.

The Committee noted that the nearest dwellings were 1km north of the site. The Planning Officer advised that in his opinion the proposed work increased stability of the mound. In response to questions he advised that coaling was due to cease by 31 December 2021 but it was considered that it would cease before this and so there was sufficient time to complete the restoration. The railway line was approx. half a kilometre south of the site and was only used for freight.

It was moved and duly seconded to approve the application as recommended by the officer subject to a revised S106 agreement to secure restoration and aftercare in full and that a condition be added regarding a land drainage scheme and that the wording of this condition be delegated to the Lead Professional Development Management in consultation with the Chair.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to a revised Section 106 agreement and subject to the conditions set out in the report which is filed with the signed minutes and a condition regarding a land drainage scheme be added and that the wording of this condition be delegated to the Lead Professional Development Management in consultation with the Chair.</p>	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p> <p>To secure further land drainage details for subsequent approval.</p>

County Councillor H Williams asked that his vote against the application be recorded.

Councillor K Lewis having declared a prejudicial interest in the next application left the meeting room.

As the Vice Chair was not in attendance, the Committee appointed Councillor D Price to Chair the meeting for the next application.

4.3 19/1477/FUL Bryn Posteg, Tylwch, Llanidloes, Powys, SY18 6JJ

Grid Ref: E. 297087 N 282209

Valid Date: 25/09/2019

Community Council: Llanidloes Without and Llangurig Community Council

Applicant: Mr David Williams, Sundorne Products (Llanidloes) Ltd, Llanidloes, Powys SY186JJ

Location: Bryn Posteg, Tylwch, Llanidloes, Powys SY18 6JJ

Proposal: Regularisation and retention of over-tipped material on the existing landfill, additional landfilling operations in accordance with revised restoration profile and phasing details together with associated landfill infrastructure.

Application Type: Full application, part retrospective

The Planning Officer referred the Committee to the Update report and the Revised Phasing Plan. The Committee noted that the application was supported by an Environmental Statement.

In response to questions, the Planning Officer advised that if the Committee was minded to approve the application, a condition was proposed which required the developer to submit annual surveys on the use and restoration etc of the site. In addition, the Planning Authority could also undertake inspections and charge the cost thereof to the developer. He advised that it would be difficult to impose an end date on the use and restoration of the site due to a range of issues which could affect this. However, the Committee noted that if it was minded to approve the application a condition regarding timeframes for the restoration of the site could be added.

The Planning Officer advised that a bond is not used for landfill sites. If the company ceases to exist Natural Resources Wales [NRW], which agrees the Environmental Permit, has the required powers to address any shortfall. The Committee noted that issues regarding flies and dust are covered by the Environmental Permit, however, condition 10 refers to Highways Cleanliness.

The Solicitor advised that the proposed Section 106 Agreement was required to revoke previous planning permissions relating to the site and so ensuring that only one planning permission relates to it forthwith. The Planning Officer advised that the proposed conditions and S106 Agreement strengthened the conditions relating to the site.

It was moved and duly seconded to approve the application as recommended by the officer, subject to the developer entering into a Section 106 Agreement and that it be delegated to the Lead Professional for Development Management, in consultation with the Chair to add a condition relating to the indicative timeframes for the use and restoration of the site.

RESOLVED:	Reason for decision:
<p>that the application be granted consent, subject to the conditions set out in the report which is filed with the signed minutes and to the Section 106 Agreement and that it be delegated to the Lead Professional for Development Management, in consultation with the Chair to add a condition relating to the indicative timeframes for the use and restoration of the site.</p>	<p>As officer’s recommendation as set out in the report which is filed with the signed minutes.</p> <p>To secure further details regarding the timescales of the site.</p>

County Councillor K Lewis returned to the meeting and resumed the Chair.

4.4 19/0943/OUT Land Adjacent To Four Crosses Inn, Four Crosses, Powys, SY22 6RE

Grid Ref: E: 326854 N: 318442

Valid Date: 17/07/2019

Community Council: Llandysilio Community Council

Applicant: Mr Graham Jenner

Location: Land Adjacent to Four Crosses Inn, Four Crosses, Powys SY22 6RE

Proposal: Erection of 7 affordable dwellings and associated works

Application Type: Outline Planning

Councillor B Lee spoke on behalf of Llandysilio Community Council.
Mr M Johnson spoke on behalf of the applicant.

The Planning Officer in response to questions advised that the site is outside the settlement boundary. However, the access and entrance are within the settlement boundary and so the development is considered to be a logical extension to the village. The Planning Officer advised that, since the Committee report had been written, the Affordable Housing Officer had, provided the following information regarding housing need in the area: 17 people were on the housing register and of these 13 were in housing need. The Committee was advised that if it was minded to approve the application a condition could be added to remove permitted development rights.

In response to questions, the Highways Authority advised that it did not object to the application subject to the conditions indicated in the report. He advised that their original email had included a typographical error. Concerns were raised regarding the proposal to establish a Management Company which would put extra costs onto the affordable housing scheme which did not seem to be appropriate.

It was moved and duly seconded to refuse the application due to the fact that the establishment of a management company regarding the access would make the affordable housing unviable. On the Chairs casting vote the motion for refusal was lost.

It was moved and duly seconded to approve the application as recommended by the officer and to add a condition to remove permitted development rights. On the Chair's casting vote the application was approved.

RESOLVED:	Reason for decision:
that the application be granted consent, subject to the conditions set out in the report which is filed with the signed	As officer's recommendation as set out in the report which is filed with the signed minutes.

minutes and that a condition regarding the removal of permitted development rights be added.	To ensure ongoing affordability.
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County Councillor D price left the meeting.

5.	URGENT ITEM AGREED BY CHAIR - TEMPORARY SUSPENSION OF THE PLANNING CALL-IN PROCEDURE IN THE PLANNING PROTOCOL
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The Committee considered the urgent report regarding the temporary suspension of the Planning Call-In procedure to enable the Planning Authority to continue to make planning decisions during the current Covid-19 pandemic.

It was moved and duly seconded to approve the urgent report.

RESOLVED:	Reason for decision:
<p>1. that with immediate effect, to suspend temporarily for a period of six months the member call-in procedure as set out in the Planning Protocol [paragraphs 10.51 – 19.61 of the Planning Protocol].</p> <p>2. to delegate to the Chair and Vice Chair of the Planning, Taxi Licensing and Rights of Way Committee to either reduce or increase the above period as necessary.</p>	<p>To enable the Local Planning Authority to continue to determine planning applications during the Covid-19 pandemic.</p>

6.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 19 February and 10 March 2020.

7.	PLANNING ENFORCEMENT POLICY AND PROCEDURE
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The Committee received the draft Planning Enforcement Policy and Procedure. The Committee was asked to forward comments via email to the officers.

County Councillor K Lewis (Chair)

Planning, Taxi Licensing and Rights of Way Committee
2nd July 2020

For the purpose of the Government (Access to Information) Act 1985, the background papers relating to each individual planning application constitute all the correspondence on the file as numbered in the left-hand column.

Applications for consideration by Committee:

Application No:	Nature of Development:
Community:	Location of Development:
O.S. Grid Reference:	Applicant:
Date Received:	Recommendation of Head of Planning:

<p>19/1572/FUL</p> <p>Llansantffraid Community</p> <p>E: 321683 N: 319871</p> <p>15.10.2019</p>	<p>Full: Change of Use of agricultural building to B1/B8 use (storage and distribution) and all associated works</p> <p>Pontyentre, Llansantffraid-ym Mechain, h, Powys SY22 6XP</p> <p>RG & GL Thomas</p> <p>Recommendation: Conditional Consent</p>
<p>19/2042/FUL</p> <p>Newtown and Llanwchaiarn</p> <p>E: 309983: N:290509</p> <p>20.12.2019</p>	<p>Full : Development of 18 affordable dwellings and associated works.</p> <p>Former Red Dragon Public House & Newtown Youth Centre, Plantation Lane, Newtown Powys SY16 1LQ</p> <p>Affordable Housing Team</p> <p>Recommendation: Conditional Consent</p>

<p>20/0300/DIS</p> <p>Llanfair Caereinion Community</p> <p>E:309008 N:306394</p> <p>25:02:2020</p>	<p>Application to discharge conditions 5,7,8,12 and 13 of planning approval 19/0524/FUL</p> <p>Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU</p> <p>G Jones</p> <p>Recommendation</p> <p>Formally discharge conditions 5,7,8,12 and 13 of planning consent 19/08524</p>
<p>20/0642/NMA</p> <p>Llanfair Caereinion Community</p> <p>E: 309008 N: 306394</p> <p>01.05.2020</p>	<p>Application for a non-material amendment to planning approval 19/0524/FUL to remove condition 10.</p> <p>Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU</p> <p>G Jones</p> <p>Recommendation:</p> <p>Approval</p>

Biological Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions - this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- oProvision of bird and bat boxes including the details of the number, type and location of these boxes;

- oA wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;

- oProvision of wildlife friendly landscape planting.

As the application has not indicated any proposed biodiversity enhancements I recommend that a condition is included to secure the submission of a biodiversity enhancement plan.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

External lighting at the site shall be undertaken strictly in accordance with the details

identified in the Lighting Design Scheme document produced by Roger Parry & Partners. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Environmental Protection

6th May 2020

The agent has provided further information in relation to my previous enquiry about noise and artificial light.

The locations of the nearest noise sensitive properties have been identified. It has also been confirmed that there will be no external noise-emitting plant. I am satisfied that any noise from the development, including deliveries, will be during the day. It has also been confirmed that artificial lighting will only be used during operational hours (daytime).

Therefore I have no objection to the application.

Hafren Dyfrdwy

25th Oct 2019

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

PCC-(N) Highways

15th Nov 2019

The Highway Authority objects to the above-named application for the following reasons.

A full application such as this should include full access details, such as the full visibility splays in accordance with the relevant guidance, access width, gradient, radii, surfacing and means of draining the access. However, no such detail has been submitted for consideration.

No detail of the current and proposed movements has been submitted for consideration. It was noted during our site visit that the farm currently operates a dairy unit, however, the applicant has failed to mention this in the submission.

The access width is 3.5m which is insufficient to allow two vehicles to be in the area of the access at the same time, therefore, this will lead to stacking on the County Class I Highway.

Perceived speeds on this section of the A490 are in excess of 50mph, therefore visibility splays of at least 160m are appropriate. However, the proposed visibility splays shown on drawing number RJC-MZ431-03 of 70m, suggest a road speed of 30mph - TAN18 Table 2. The applicants use of TAN18 demonstrates that they acknowledge the visibility splays onto the A490 should be assessed against the Welsh Government guidance document.

Should the applicant wish to submit revised drawings which address the above points we

shall certainly review any such submission. Any revised drawing should be at a suitable scale of 1:500 preferably @ A3.

Environmental Protection

8th Nov 2019

The application site is located in a rural area with existing nearby residential properties. Please can the applicant/agent provide further information on the following, so that the potential impacts upon amenity can be assessed?

Noise & artificial light

In order to be able to determine whether the development will have a detrimental impact on amenity, please can the applicant/agent provide the following information with relation to the potential for noise and artificial light disturbance:

- The proposed operating hours of the building;
- The proposed collection/delivery times to and from the building;
- Details of any other noise-emitting activities or plant associated with the development;
- Details of the lighting scheme (including intended hours of operation)?

Without this further information I must object to the application at this time on the basis of insufficient information.

PCC-Ecologist

14th Nov 2019

Thank you for consulting me with regards to planning application 19/1572/FUL which concerns an application for the change of use of agricultural building to B1/B8 use (storage and distribution) and all associated works at Pontypentre, Llansantffraid-Ym-

Mechain.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 355 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include lesser horseshoe bat, badger, house sparrow and tree sparrow.

No statutory or non-statutory designated sites were identified within 500m of the proposed development.

The proposed development is located on the site of an existing agricultural barn and is likely to impact areas of hard standing, a habitat considered to be of low ecological value.

Given the nature of the habitats present and affected by the proposed development it is considered that the site affected has very limited potential to support protected or priority species, no features of significant importance for biodiversity would be lost as a result of the proposed development. It is therefore considered that the proposed development will not result in any loss of biodiversity.

Wildlife Sensitive Lighting Plan

Given the rural location of the proposed development careful consideration will need to be given to any external lighting proposed to be erected on the proposed development. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan taking into account the recommendations identified in the BCT and ILP guidance note <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is

secured through an appropriately worded condition.

Subject to inclusion of the recommended condition it is considered that the proposed development would not result in any negative impacts to biodiversity at the site or in the wider environment.

Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built

- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

PCC-(N) Highways

16th Apr 2020

Wish the following recommendations/Observations be applied

Recommendations/Observations

The development shall be carried out in accordance with drawing number RJC-

MZ2431-03/1 & RJC-MZ2431-03/2.

Notwithstanding the submitted details on drawing numbers RJC-MZ2431-03/1 & RJC-MZ2431-03/2 the Highway Authority wish the following conditions to be applied to any consent given.

1. No development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
2. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
3. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
4. Prior to the commencement of any works on the development site, detailed drawings for the method of intercepting and disposing of access surface water adjacent to the A495 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
5. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of 4 commercial vehicles and 100m² circulation area together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking, circulation and turning areas shall be

retained for their designated use for as long as the development hereby permitted remains in existence.

6. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

7. The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

8. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no

surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Representations

The application was advertised through the erection of a site notice.

Planning History

App Ref	Description	Decision	Date
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No relevant history

Principal Planning Constraints

Mineral Safeguarding Sand_Gravel Cat 1
Mineral Safeguarding Sand_Gravel Cat 2
Mineral Safeguarding Slate Cat 2
B Floodzone

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
TAN12	Design		National Policy

TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP2	Employment Growth	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
E7	Home Working	Local Development Plan 2011-2026
PPW	Planning Policy Wales (Edition 10, December 2018)	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy

SPG Landscape
SPG Biodiversity

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within an area of open countryside within the Community of Llansantffraid as defined by the Local Development Plan. The closest large village, Llansantffraid, is located approximately 500 metres to the north east of the development.

The application seeks full planning permission for the change of use of an agricultural building to a B1/B8 use and associated works.

The application site is accessed from the county A class highway A495 to the west. To the north of the site is a wooded area with agricultural land beyond, to the east and south east is the farm holding known as Pontyentre with agricultural land beyond. To the south of the site is an access track with agricultural land beyond.

Principle of Development

In encouraging the re-use of buildings in the countryside, the Council and Welsh Government recognises that there are sustainable arguments both for and against such developments. On the positive side, conversions can breathe new economic and social life into rural communities, and they re-use existing buildings and building materials which reduces the need to construct on greenfield sites and for processing new construction materials. However, on the down-side, conversions can create a dispersed pattern of settlement that is likely to generate new and longer trips, as existing buildings are typically remote from shops and other services.

Technical Advice Note (TAN) 23 part 3.2.1 Re-use and Adaptation of Existing Rural Buildings further emphasises this and states that a positive approach should be taken to the conversion of rural buildings for business re-use, especially those buildings located within or adjoining farm building complexes on the basis of the following:

- They are suitable for the specific use;
- Conversion does not lead to dispersal of activity on such a scale as to prejudice town and village vitality;
- Their form, bulk and general design are in keeping with their surroundings;

- Imposing conditions on a planning permission overcomes any planning objections which would otherwise outweigh the advantage of re-use;
- If the buildings are in the open countryside, they are capable of conversion without major or complete reconstruction;
- Conversion does not result in unacceptable impacts upon the structure, form, character or setting where the building is of historic and / or architectural interest.

In this instance the proposed development seeks consent in full for the conversion of an agricultural building that has ceased its use to be converted for a B1/B8 (Business and Storage and Distribution). Therefore in line with TAN 23 part 3.2.2 the proposed development is in compliance subject to it being assessed on its impact upon the fabric and character of historic buildings. The building to be converted is a relatively modern agricultural building that offers little in terms of historic character to the area. No alterations are offered as part of the development, as such it is considered that there would not be in impact on the character of the building to be converted.

It is therefore considered that the principle of development fundamentally complies with both national and local planning policy.

Design, Character and Appearance

Policy DM13 and DM4 of the Powys Local Development Plan indicate that development proposals will only be permitted where the scheme complements and wherever possible enhances the character and appearance of existing buildings and the surrounding area.

The existing building is a relatively modern agricultural building comprising of corrugated walls and roof.

The proposed change of use utilises the existing footprint of the building. No external alterations are proposed as part of the change of use.

It is considered that the proposed change of use scheme fundamentally retains the rural character and appearance of the application buildings and thus assimilates within the immediate context and surrounding landscape.

In light of the above observations, it is considered that the proposed development is in accordance with relevant planning policies, particularly Powys Local Development Plan policies DM4 and DM13.

Highway Safety

Policy T1 requires that development proposals should follow the principal requirement that a safe and efficient flow of all transport users is available. Policy DM13 part 11 states that development proposals should meet all highway access requirements (for transport users) and parking standards.

Powys County Council Highways Authority has been consulted on the proposed development and have raised concerns regarding the proposed development. In their response they state that the application should include full access details, however no detail had been submitted. The officer also raised concerns regarding the width of the existing access and whether there would be sufficient space to allow two vehicles to pass. However, the Officer has stated that should the applicant submit revised drawings which addressed their concerns the highways authority would review any such submission.

Following the submission of additional information and amended plans the PCC Highways Officer is satisfied with the proposed development, subject to the inclusion of a number of conditions to ensure the development is carried out to an acceptable standard and maintained thereafter.

In light of the above and subject to the inclusion of the recommended conditions and informative notes it is considered that the proposed development complies with Local Development Plan (2018) policies T1 and DM13.

Environmental Health

Policy DM13 part 11 requires that the amenities enjoyed by occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air, pollution, litter, odour and hours of operation.

Policy DM7 also requires that unacceptable levels of light pollution in the countryside is strictly controlled to ensure that there are no impacts on amenity, visibility of the night sky and protected species.

Powys County Council's Environmental Health Officer has been consulted on the proposed development in relation to its potential impact on neighbouring properties.

Following consultation the Environmental Health Officer stated that insufficient information had been submitted to determine whether the proposed development would have a detrimental impact on the amenity of the area with regards to noise and artificial lighting. As information regarding the hours of operation, the collection and delivery times, details of noise emitting activity and details of lighting had not been included Environmental Health could not determine whether there would be a detrimental impact and as such objected to the proposed development.

Additional information and amended plans were submitted in order to try to alleviate the concerns of the PCC Environmental Health Officer. The information submitted confirms that the locations of the nearest noise sensitive properties have been identified. It has also been confirmed that there will be no external noise-emitting plant. The Officer is therefore satisfied that any noise from the development, including deliveries, will be during the day. It has also been confirmed that artificial lighting will only be used during operational hours (daytime).

Therefore, the Officer has confirmed that they have no objection to the application.

In light of the above, it is considered that the proposed development complies with Local Development Plan (2018) policies DM7 and DM13.

Ecology

With respect to biodiversity, specific reference is made to Technical Advice Note 5 and Local Development Plan policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

As part of this proposal Natural Resources Wales and the PCC Ecologist have been consulted. NRW have stated that from reviewing the information provided they do not consider that the proposed development affects a matter listed on its Consultation Topics and therefore do not have comment to make on this application. The PCC Ecologist has also reviewed the proposed development and noted that no statutory or non-statutory designated sites were identified within 500m of the proposed development. The proposed development is located on the site of an existing agricultural barn and is likely to impact areas of hard standing, a habitat considered to be of low ecological value and limited potential to support protected or priority species. The PCC Ecologist is satisfied with the proposed development subject to the inclusion of a suitably worded condition to secure an external lighting plan and informative notes.

An external lighting plan has since been received and assessed by the PCC Ecologist who considers the lighting plan to be appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment and avoid conflicts with the identified mitigation measures. The PCC Ecologist has therefore requested the lighting plan to be secured through an appropriately worded condition as well as to condition a biodiversity enhancement plan.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development complies with Local Development Plan (2018) policy DM2 as well as of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Conclusion

In light of the above, and subject to the inclusion of an appropriately worded conditions, it is considered that the proposed development complies with relevant Local Development Plan (2018) policies as well as National Planning Policies.

Conditions

1 The development shall begin not later than five years from the date of this

decision

2 The development shall be carried out in accordance with the following approved plans and documents; RJC-MZ2431-03/1, RJC-MZ2431-03/2,

3 No development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.26 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence

4 Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

5 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

6 Prior to the commencement of any works on the development site, detailed drawings for the method of intercepting and disposing of access surface water adjacent to the A495 and all associated works, shall be submitted to and approved in writing by the Local Planning Authority. The method of intercepting and disposing of access surface water shall be fully completed and operational prior to the beneficial use of the development. Development shall be carried out in strict accordance with the approved details.

7 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of 4 commercial vehicles and 100m² circulation area together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking, circulation and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

8 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to

this standard for as long as the development remains in existence

9 The gradient of the access shall be constructed so as not to exceed 1 in 15 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

10 No surface water drainage from the site shall be allowed to discharge onto the county highway.

11 External lighting at the site shall be undertaken strictly in accordance with the details identified in the Lighting Design Scheme document produced by Roger Parry & Partners. The measures identified shall be adhered to and implemented in full and maintained thereafter.

12 Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The Biodiversity Enhancements shall be implemented as approved prior to the beneficial use of the building maintained as such in perpetuity.

Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

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9 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

10 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

11 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

12 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

1 Highways Advisory Notes

NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:-

<http://www.powys.gov.uk/en/roads-transport-parking>

street.works@powys.gov.uk Street Works Powys County Hall Spa Road East
Llandrindod Wells Powys LD1 5LG 0845 6027035

2 Birds - Wildlife and Countryside Act 1981 (as amended)

All nesting birds, their nests, eggs and young are protected by law and it is an offence to:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o intentionally (or recklessly in England and Wales) disturb any wild bird listed on Schedule 1 while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird.

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

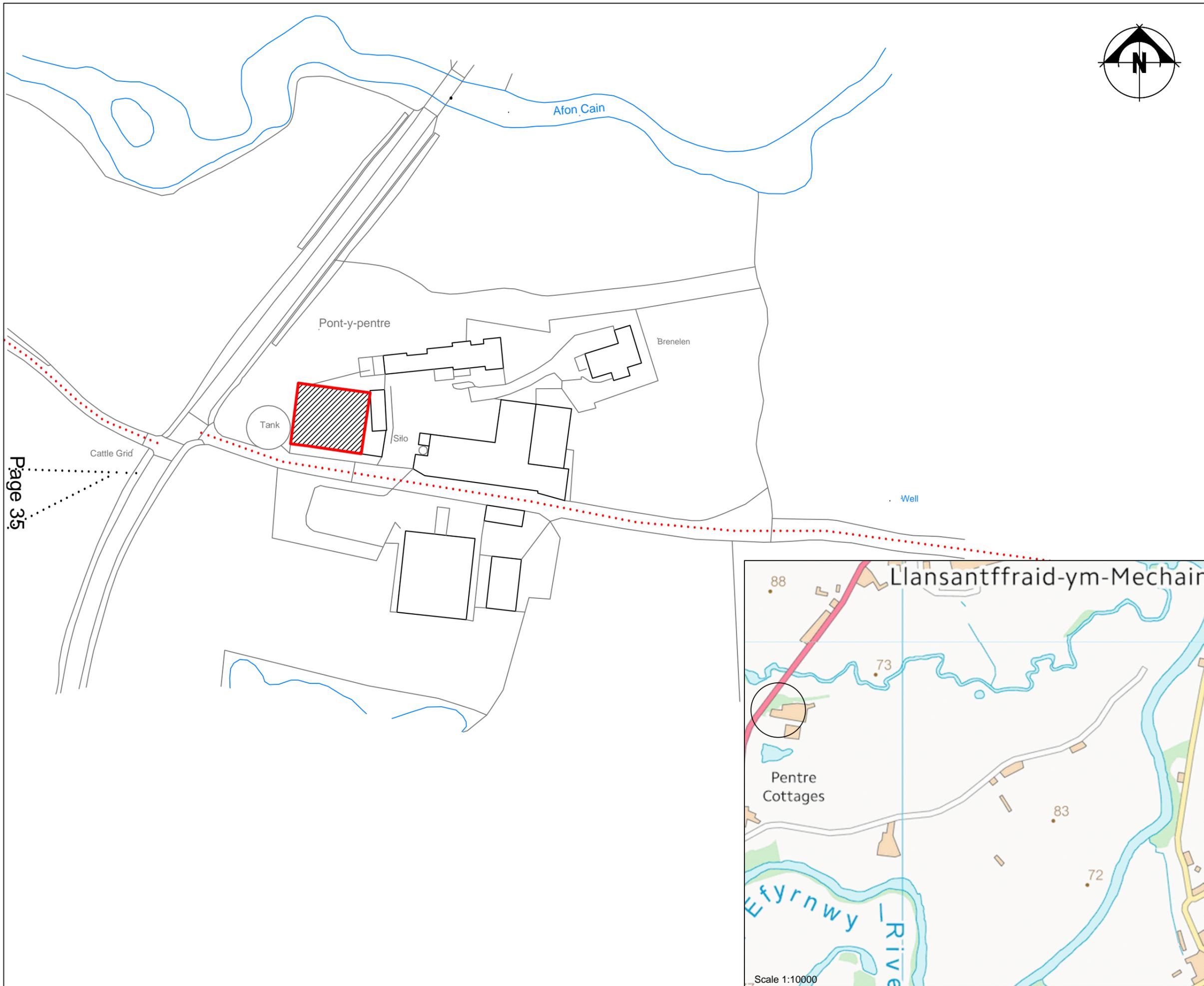
Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

4 No public rights of way should be obstructed during the development process

and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.

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THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELATED DRAWINGS. ALL DIMENSIONS MUST BE CHECKED AND VERIFIED ON SITE BEFORE COMMENCING ANY WORK OR PRODUCING SHOP DRAWINGS. THE ORIGINATOR SHOULD BE NOTIFIED IMMEDIATELY OF ANY DISCREPANCY. THIS DRAWING IS COPYRIGHT AND REMAINS THE PROPERTY OF ROGER PARRY & PARTNERS.

- Red Boundary
- Restricted Byway
- Bridleway
- Footpath

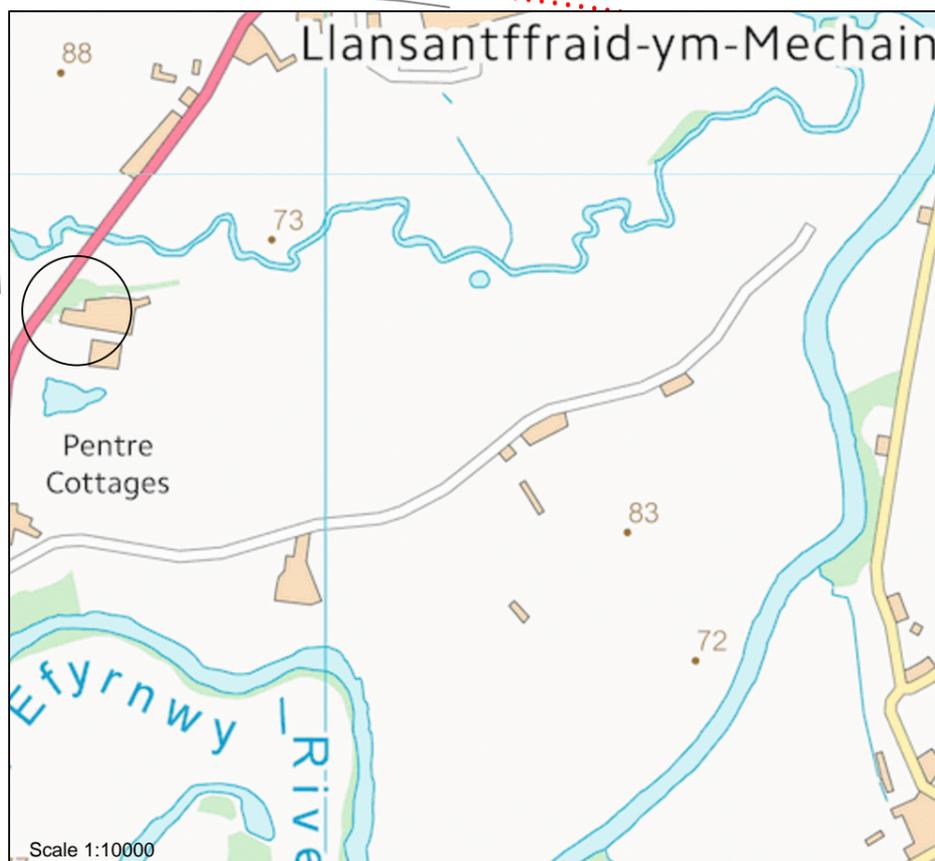
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Rev	Description	Date	Dr by	App by
Original	by			



Residential - Agricultural - Commercial	
Job	Change of use to B1 and B8
Title	Location Plan
Location	Pontypentre Llansantffraid SY22 6XP
Client	RG and GL Thomas
Scales	1:1250 @ A3
Drawing No.	RJC-MZ431-01
Drawn by	AZ
Date	15/10/2019

HOGSTOW HALL, MINSTERLEY
SHREWSBURY, SHROPSHIRE, SY5 0HZ
Tel: 01743 791336 Fax: 01743 792770
email: mail@rogerparry.net
Web address: www.rogerparry.net



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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 19/2042/FUL **Grid Ref:** E: 309983
N: 290509
Community Council: Newtown And Llanllwchaiarn Community **Valid Date:** 20.12.2019

Applicant: Affordable Housing Team

Location: Former Red Dragon Public House & Newtown Youth Centre , Plantation Lane, Newtown, Powys, SY16 1LQ

Proposal: Development of 18 affordable dwellings and associated works

Application Type: Full Application

The reason for Committee determination

The application is submitted on behalf of Powys County Council and therefore in accordance with the Council's constitution is required to be determined by the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee

Received

Natural Resources Wales (North) DPAS

1st Apr 2020

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach condition 1 to the permission and include the following document within the condition identifying approved plans and documents on the decision notice:

- o 2B4P House (Plot 18) Plans, Elevation & Schedules, drawing 0326 S4 Revision P2 dated July 2019.
- o 4B7P House (Plot 17) Floor Plan, Elevations and Schedules, drawing 0851 S4 Revision P2 dated September 2019.
- o Site Plan, drawing 0004 S4 Revision P5 dated September 2019.

Condition 1 - bats: Prior to its installation, full details of lighting shall be submitted to and

agreed in writing by the Local Planning Authority.

Protected Species

We have reviewed the amended plans listed above and we are satisfied that the mitigation proposed is in line with the measures agreed under the terms of the bat license.

Provided an appropriate exterior lighting scheme in line with our previous advice, is secured via appropriately worded condition and implemented, we do not consider the proposal is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental

Comments received 24th March 2020

Thank you for consulting us on the amended access road and path plans for the above.

NRW has no additional comments to make on the revised plans, please refer to our letter of 27/01/20 which is still applicable

Building Control

7th Jan 2020

Please be aware that the development will require Building Regulations approval. For more information please feel free contact me to discuss.

Hafren Dyfrdwy

10th Jan 2020

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

With Reference to the above planning application the company's observations regarding sewerage are as follows.

I can confirm that we have no objections to the proposals subject to the inclusion of the

following condition:

- o The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and
- o The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

To help us provide an efficient response please could you send all responses to APPlanning@hdcymru.co.uk rather than to named individuals, including the HD ref within the email/subject.

If you would like a copy of this in Welsh, please let us know.

Highway Authority

7th Feb 2020

Thank you for consulting the Highway Authority on this matter.

Site Access

The internal site layout includes proposals for a central pedestrianised green space which effectively prohibits the free passage of motor vehicles across the site as a whole. As a result, the proposal includes the provision of two separate access points off. Both proposed access points afford suitable levels of visibility. It is proposed that the access off Swallow Drive is to be kept private, whilst it is envisaged the access off the U4205 will be adopted by the Highway Authority.

Active Travel

Internally there are proposed 2m wide footway links onto the U4205 highway to the south. Suitable internal pedestrian crossing facilities will be secured as part of any future engineering submission. Similarly, the existing footway provision along the U4205 and

Swallow Drive will be maintained with suitable pedestrian crossing facilities again secured as part of any future engineering submission.

Internal layout

The application is accompanied by a layout plan for 18no. units comprising the following mix:

- o 11No. 2 Bed Houses
- o 1No. 3 Bed Bungalow
- o 3No. 3 Bed Houses
- o 2No. 4 Bed Houses
- o 1No. 5 Bed Houses

The submitted information demonstrates that the proposed development incorporates suitable highway alignment and turning provision.

It is understood from the applicant's agent, that the applicant intends to retain liability for the internal roads and associated infrastructure due to the layout.

With the exception of the area marked 'Adoptable Highway' on drawing number PCC_PL_04, the estate road[s] and associated infrastructure serving this development will not be adopted by the Highway Authority.

In addition, private road signage should be erected at the entry to this estate in accordance with Section 31 of the Highways Act 1980. A. Furthermore, we would advise that all marketing for this development should include details that the road is private.

Car Parking Arrangements

The submitted information shows parking which is consistent with the requirements under the CSS Wales parking standards.

Highway Surface Water Drainage

The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

Recommendation

It is recommended the following highway conditions be included within the decision notice should this application be approved.

- o The development shall be carried out in accordance with the following approved highway plans and documents PCC_PL_04
- o No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- o No other development shall commence until each access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- o Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- o The gradient of each access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- o Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing PCC_PL_04. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- o No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
- o No dwelling hereby approved shall be occupied until the vehicular access serving

the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.

o The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

o The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

o Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.

o No surface water drainage from the site shall be allowed to discharge onto the county highway.

Environmental Protection

7th Jan 2020

Thank you for the consultation in respect of this application. Given that this will be a significant sized building site in a residential area, I would recommend the following condition be attached to any consent granted to protect the amenity of neighbouring residential properties:-

"All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800-1800 hrs Monday to Friday

0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

Land Drainage

21st Jan 2020

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/2042/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

Natural Resources Wales (North) DPAS

27th Jan 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 07/01/2020.

NRW was consulted at pre application stage and our comments can be viewed within Appendix 10 of the Pre Application Consultation (PAC) report dated 13/12/2019.

Our advice and position on the proposed scheme has not changed as the information provided does not address our concerns.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object

to this planning application.

Requirement 1: Bats: The submission of amended plans including bat compensation measures within one of the proposed new buildings in line with bat license 78856:OTH:EPS:2018 condition 32 and section E.2.3 of the accompanying Method Statement (MS) dated April 2018 by Just Mammals Consultancy.

Condition 1 - bats: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority.

Protected Species

NRW originally commented on the demolition proposal of the Red Dragon Public House (DEM/2018/0001) on 22/01/2018. A bat survey was submitted at the time and the pub was found to be a roost for two species of bats (soprano pipistrelle and brown long-eared).

Therefore, a license to destroy a resting place of a European Protected Species (EPS) was required and subsequently granted on 29th May 2018. It is understood the pub was demolished in accordance with the license conditions.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Although proposed plans including bat mitigation have been submitted, Bat loft details drawing for plot 12 (house 2B4P) dated November 2019, we do not consider the mitigation proposed is in line with the measures agreed under the terms of the license application and therefore we are currently unable to confirm the proposal will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

We advise that additional information/ modifications are needed:

- o The size of the proposed attic to be clearly stated on the plans. This must be in line with the Method Statement (MS) produced by Just Mammals Consultancy in April 2018. Creation of a large void/space of minimum dimensions of 5m length, 4m width and 2m in height from the floor, or top of any layer of insulation, to the internal roof apex.
- o Amended roof construction details. The plans illustrate a trussed roof structure. This is contrary to the requirements of Brown Long Eared bats. As stated in the MS a trussed rafter arrangement is not acceptable as the loft must provide a large and uncluttered

internal space. The loft space must be within a traditional timber framed pitched roof with a ridge board.

- o Clarification of the lining membrane to be utilised within the attic of house 2B4P. The lining membrane must be traditional sanded 1F lining membrane.

- o Bat access location points to be modified in line with the MS recommendations. A minimum of three appropriately positioned bat access slots of dimensions 20 x 28mm must be provided beneath ridge tiles and also at gable end walls to give bats access into the new bat loft space. Long-term mitigation for crevice roosting pipistrelles must be provided by creating access slots to the roof and wall plate areas at south-east, south and southwest facing gable end walls. Pipistrelles favour the gap created by the battens between the lining membrane and the roof slates and such opportunities must be designed with access slots at the fascia boards and soffits at the apex of gable end walls. Gaps under ridge tiles are also easy roost locations to provide for pipistrelle bats and the re-development site must contain plans for a minimum of four pipistrelle bat roost locations.

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- o Removal of solar panels from the southern aspect of the roof of house 2B4P. The roof cover will be slate, in line with the MS recommendation, however drawing 0601 S4 P5 (2B4P House - plot 12) shows the presence of photovoltaic solar panels on the southern roof pitch. Solar panels prevent the slates from absorbing heat from the sun which is required to create the appropriate temperatures required by bats, therefore their installation is not appropriate on a roof which is designed to host a bat roost.

Bat movements can be affected by the levels of artificial lighting to which they are exposed.

It is NRW opinion that security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by roosting, foraging and commuting bats (all tree lines, hedgerows, buildings surrounding the site).

We advise an appropriate lighting scheme is secured via the implementation of an appropriately worded condition as indicated above.

The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used

- o Details of lighting to be used both during construction and/or operation

- o Drawings setting out light spillage in key sensitive areas (river corridor and hedge line running north at the eastern side of the gym)

We would refer the applicant to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018 (<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>).

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Clwyd Powys Archaeological Trust

14th Jan 2020

I can confirm that there are no archaeological implications for the proposed development at this location.

Contaminated Land Officer

10th Jan 2020

In respect of planning application 19/2042/FUL, it has been identified that the following land contamination report has been submitted:

- o Arcadis 'Red Dragon Public House, Newtown: Geo-Environmental and Geotechnical Assessment Report' (ref: 10024728-ARC-01-XX-RP-ZZ-0001-03) June 2019.

Could you confirm if a review of this report would be required, please.

I have reviewed the Arcadis reports submitted with the application and they are sufficient to recommend the following conditions are applicable.

Condition 1. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 2. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The

verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy ____ of the adopted Local Plan (date)].

Representations

The proposed development has been advertised by site display (notice dated 17/01/2020) and within the local press. At the time of writing this report two public representations have been received by Development Management. The comments expressed therein can be summarised as follows;

General support for the proposal and mix of properties noted on the proposed plans. That said, concern is offered regarding the ability of the development to meet local need, particularly as the Common Housing Register suggests an unmet need for bungalows and single bedroom flats.

Planning History

DEM/2018/0001 – Demolition of former Red Dragon Public House and Youth Centre. Notification Approved.

Principal Planning Constraints

No known planning constraints

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy

TAN1	Joint Housing Land Availability Studies	National Policy
TAN2	Planning and Affordable Housing	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN16	Sport, Recreation and Open Space	National Policy
TAN18	Transport	National Policy
TAN24	The Historic Environment	National Policy
SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026

DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPGLAN	Landscape SPG	
SPGOBS	Planning Obligations SPG (2018)	

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The site subject to this application is located to the southwest of Newtown Town Centre within an established residential area. The vacant site comprises of the former Red Dragon Public House and Youth Club and extends to approximately 0.76 hectares. The site is bound by residential properties to the north and west. The public highway bounds the site to the east and south.

The scheme proposes the erection of 18 affordable dwellings and all associated works. Access to the proposed development will be provided off Plantation Lane to the south

whilst parking and turning provision associated with the proposed residential units will be provided within the application site boundary.

Principle of Development

The application site extends to approximately 0.76 hectares and is located within the settlement development limits of Newtown which for the purposes of the adopted plan is defined as a Town. The scheme includes the provision of 18 affordable dwellings comprising of 11 two-bedroom four person houses, three x three-bedroom five-person houses, two x four-bedroom seven-person houses, one x five bedroom eight-person house and one three-bedroom four-person bungalow. The scheme comprises a mix of two and three-storey properties and one bungalow, primarily in semidetached form, in addition to one short terrace of three, and three detached homes. The proposed housing density equals 23 units per hectare.

Policy H1 identifies suitable locations for new housing within the settlement hierarchy to support the delivery of a sustainable pattern of development. The type and scale of development permitted within each tier is commensurate to a settlement's place in the sustainable settlement hierarchy. Criterion 1 of policy H1 directs housing growth in Towns and Large Villages to allocated sites and to other suitable windfall sites within the settlement's development boundary.

Housing Need and Mix

Thereafter, policy H3 seeks to achieve an appropriate range and mix of housing types to meet local needs, as identified in evidence such as Local Housing Market Assessment, in particular the needs of the county's ageing population and decreasing household size, affordable housing and specialist housing needs. On the basis of the information provided and on the basis that the scheme is to be delivered by the County as Local Housing Authority, Officers consider that the range of affordable housing units provided are capable of accommodating varied housing need within the County and therefore fulfil the requirements of policy H3 of the Powys LDP.

Whilst the scheme proposes 100% affordable housing, given that the site is located within the settlement development boundary, it is not considered reasonable or appropriate to condition the scheme to this effect. Therefore, should Members be minded to approve the development, it is recommended that the percentage of affordable housing is conditioned to reflect the relevant sub-market area, which in this instance is Severn Valley – 20% contribution applicable. That said, as the scheme is to be delivered and operated by Powys County Council, Officers are confident that the scheme will provide 100% affordable units.

Housing Density

In accordance with LDP policy H4, all housing development proposals should seek to make the most sustainable and efficient use of land. The density for any proposed

housing development within Towns and Large Villages should therefore be a minimum of 27 units per hectares. The policy however acknowledges that densities may be varied where justified by evidence of local circumstances or constraints.

The site provides for a density of 23 dwellings per hectare which is below the identified density as above. Aside from the layout limitations responding to the surrounding context, it is understood from the submission that an existing water main runs long the southern and eastern boundaries of the site constraining the developable area. A foul sewer also runs partially within the northern boundary of the site. Additionally, the southern and eastern boundaries are bound by Plantation Lane and Swallow Drive respectively, both of which are understood to generate traffic in association with the nearby Primary School which, as a consequence has limited highway layout and access options.

The submission contends that when removing the areas sterilised by utilities easements, the developable site area is 0.55ha. This equates to a density measurement of 32.7 units per hectare and therefore suggests that the proposed is in accordance with policy H4. Whilst under the 27+ units per hectare encouraged by H4, given the site specific constraints, Officers are satisfied that the proposed residential development makes the best and most sustainable use of the site whilst securing adequate provision for residential amenity space and parking/turning provision, thereby satisfying policy H4 as above.

Design, Layout and Appearance

Policy DM13 of the Powys LDP confirms that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. As such, proposals will only be permitted where the scheme has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The site is located southwest of Newtown centre. The site is broadly square in shape and lies between a play area to the east, beyond which is Maldwyn leisure centre and accompanying fields; and Falcon Court to the west. To the south is Maesyrrhandir Primary School, and to the north is Swallow Drive.

The topography of the site is gently sloping, with the lowest point being to the north western corner, which lies approximately 2m below the highest points of the site along its southern boundary. The northwestern corner, in turn, lies just under 1m above the adjacent footpath. The site's northern and western boundaries face onto existing dwellings on Swallow Drive and Falcon Court respectively. Due to the Radburn style layouts of these local estates, the front gardens of these properties are facing the site, separated by a footpath, whilst their parking is located to the rear within courtyard arrangements.

The residential context is formed by aforementioned Radburn style estates, which

primarily comprise two-storey terraced dwellings of mid-20th century construction. As per many Radburn style layouts the rears of the properties face onto main roads, with fronts addressing pedestrian routes and/or communal facilities. The housing estates therefore front onto the site creating four active frontages.

Many of the dwellings adjoining the site boundary have undergone recent external wall insulation works, resulting in predominantly white rendered external façades. Amongst the white rendered dwellings are a handful of other elevational treatments, including hanging tiles of various colours, and some framing treatments to the windows. Most dwellings have projecting porches. The roof form of surrounding properties is mainly pitched and constructed in dark concrete or composite tiles.

The scheme comprises a mix of two and three-storey properties and one bungalow, primarily in semidetached form, in addition to one short terrace of three together with three detached homes. The scale of the buildings are considered to be appropriate in that the two and three-storey dwellings adhere to the prevailing character. The three storey buildings are sited, designed and orientated so as to have minimal impact on existing neighbours. In this regard the three storey dwellings are located to the south east and north east corner of the development and one in the centre of the development creating prominent corner buildings on Swallow Drive and Plantation Lane, improving the legibility and character of the development. The bungalow is located to the north western corner of the site, where the site lies slightly above the adjoining footpath, to reduce the massing impact of the development on existing dwellings of Falcon Court and Swallow Drive.

Via a combination of siting, scale and context, there are considered to be no amenity concerns arising. The nearest plots to adjoining neighbours are numbers 1-4, and 16. Plot 1 is a bungalow, so will not have any instances of overlooking due to the proposed and existing boundary treatments. Plots 2-4 are substantially set back from the existing terrace to the west by approximately 20m, and exhibit a front-to-front relationship, therefore there are not considered to be any amenity issues arising. Finally, plot 16 is sited with a side-on relationship to the dwellings to the north, with no windows proposed on the side elevation.

The elevation treatments of the proposed building are contemporary in nature and will consist primarily of brick, to adhere to existing vernacular. Two brick tones are proposed, in order to add variety and interest, and break up the massing. The intention of the primarily brick palette is to provide more durable dwellings, with less maintenance. Reconstituted slate pitched roofs are proposed for the houses, with a hipped form proposed for the bungalow. Windows and doors will comprise of a timber and aluminium composite in line with the Authority's wood encouragement policy.

Having carefully reviewed the proposed plans, Officers are satisfied that the form, layout and scale demonstrate that the proposed residential development is capable of being integrated into the existing settlement whilst safeguarding existing character, appearance and residential amenity compliant with policies SP7 and DM13 of the

Powys LDP.

Highway Safety and Movement

Policies DM13 and T1 of the Powys LDP indicate that development proposals will only be permitted where it can be demonstrated that the scheme has been designed and located to minimise the impacts on the transport network - journey times, resilience and efficient operation - whilst ensuring that highway safety for all transport users is not detrimentally impacted upon.

Access to the proposed development will be provided off Plantation Lane to the south of the site whilst parking and turning provision will be provided within the application site boundary.

On reviewing the proposed plans including amended plans received, the Highway Authority has confirmed no objection to the proposed development subject to the recommended conditions being attached to any grant of consent.

In light of the Highway comments received, it is not considered that the proposed development will have an unacceptable adverse impact on the existing highway network or provision. As such, the proposal is considered to be in accordance with planning policy, particularly policies DM13 and T1 of the Powys LDP.

Ecology and Biodiversity

Policy DM2 states that all development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

Planning Policy Wales (PPW) 10 sets out that, “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Recent Welsh Government correspondence offered further clarity on the implementation of legislation and Government policy as outlined above, confirming that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission. Guidance regarding suitable enhancement measures are detailed within the Council’s Biodiversity SPG.

On reviewing NRW’s consultee response of 27th January it is noted that a bat survey

accompanied the Demolition Notification (DEM/2018/0001) which concerned the removal of the former Public House and Youth Centre on site. It is understood that the bat survey confirmed that the former building was found to be a roost for soprano pipistrelle and brown long-eared bats and therefore license aside, it was envisaged that any future development would make provision for bat compensation/mitigation whilst regard to external lighting was also required. Notwithstanding their original objection to the proposed scheme, amended plans received by the Local Planning Authority which have been subject to further review by NRW have addressed the early concerns raised subject to suitable conditions being imposed on any grant of planning permission.

In terms of biodiversity enhancement, it is noted that the site is currently vacant brownfield land whilst the proposal includes the implementation of native species planting throughout the site. The proposed landscaping together with bat mitigation measures are considered to offer suitable biodiversity enhancement, proportionate to the development proposed.

In light of the consultation comments received together with submitted information, Officers are satisfied that the proposed development is in accordance with the relevant planning policies as listed above.

Open Space

In accordance with policy DM3 of the adopted LDP, provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

The submission indicates that due to site constraints, there is insufficient space available within the application boundary to provide formal open space provision whilst satisfying housing density requirements and maximising affordable housing delivery. That said, it is noted that there are currently two undevelopable spaces (grassed and occupied by trees) in the north-eastern and south-western corners of the site which will provide opportunities for informal, natural play space for children.

On reviewing the Council's Open Space Assessment it is noted that the site is located within the 240 metres buffer for three Local Equipped Areas of Play (47, 48 and 49) whilst also being located within the 600 metre buffer for outdoor sports pitches (north east of the site). Natural and semi-natural greenspace is also located within reasonable walking distance of the site. Whilst noting the undersupply/shortfall of equipped play within the settlement boundary, Officers consider that the site has sufficient access to play provision. Furthermore, it is considered that the desire to provide affordable housing would potentially be compromised if on site provision was insisted upon by Officers meaning that identified housing need would be unfulfilled. In light of the above and site's accessibility to existing provision, Officers are satisfied that the proposal generally accords with planning policy.

Residential Amenity

LDP policy DM13 indicates that development proposals will only be permitted where the amenities enjoyed by the occupants or users of nearby or proposed properties are not unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

As previously referenced, the application site is located within immediate proximity of existing residential properties. In commenting on the proposed development, Environmental Health note the residential setting and thereafter recommended a condition restricting the construction hours in order to safeguard residential amenity. Subject to the imposition of the condition it is considered that potential impact on neighbouring residents can be appropriately managed and therefore the proposal is considered to be compliant with policy DM13 as above.

In assessing the potential impact on neighbouring properties by reasons of overlooking and privacy, for the reasons outline within the design section, it is considered by Officers that there is sufficient distance between adjacent properties and the proposed dwellings thereby ensuring no unacceptable adverse impacts in accordance with policy DM13.

RECOMMENDATION

Having carefully considered the scheme, Officers are satisfied that the proposed residential development is in accordance with the listed planning policies. The proposed scheme proposes the development of a site within a sustainable location whilst also contributing to the supply of affordable housing to meet the varied housing needs within the County. As such, the recommendation is one of approval subject to the conditions detailed below.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans and documents approved on xxxx as detailed below;
 - Site Location Plan (Rev P1);
 - 5B4P Bungalow, Plot 1 (Rev P5);
 - 5B8P House, Plot 11 (Rev P5);
 - 3B5P House, Plot 4 (Rev P5);
 - 2B4P House, Plot 12 (Rev P5);
 - 2B4P House, Plots 13 & 15 (Rev P6);
 - 2B4P House, Plot 18 (Rev P2);

- 2B4P House, Plot 3 (Rev P1);
- 2B4P House, Plots 5, 7 & 9 (Rev P6);
- 2B4P House, Plots 6, 8 & 10 (Rev P1);
- 3B5P House, Plot 16 (Rev P6)
- 3B5P House, Plot 2 (Rev P1)
- 4B7P House, Plot 14 (Rev P1)
- 4B7P House, Plot 17 (Rev P2)
- PCC_PL_04;
- Boundary Details (Rev P2);
- Design and Access Statement;
- Geo-environmental and Geo-technical Report.

3. No development shall begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include: i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces; ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; iii) the arrangements for the transfer of the affordable housing to an affordable housing provider; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

4. The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwellings shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800-1800 hrs Monday to Friday

0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above

6. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

7. No other development shall commence until each access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

8. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. The gradient of each access shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

10. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing PCC_PL_04. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

11. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street

lighting in front of that dwelling and to the junction with the existing county highway.

12. No dwelling hereby approved shall be occupied until the vehicular access serving the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.

13. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

14. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

15. Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.

16. No surface water drainage from the site shall be allowed to discharge onto the county highway.

17. No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

18. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out

remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

19. Prior to first installation, full details of external lighting shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the lighting scheme as approved.

20. Notwithstanding the approved plans, prior to first use, full details/samples of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the details as approved.

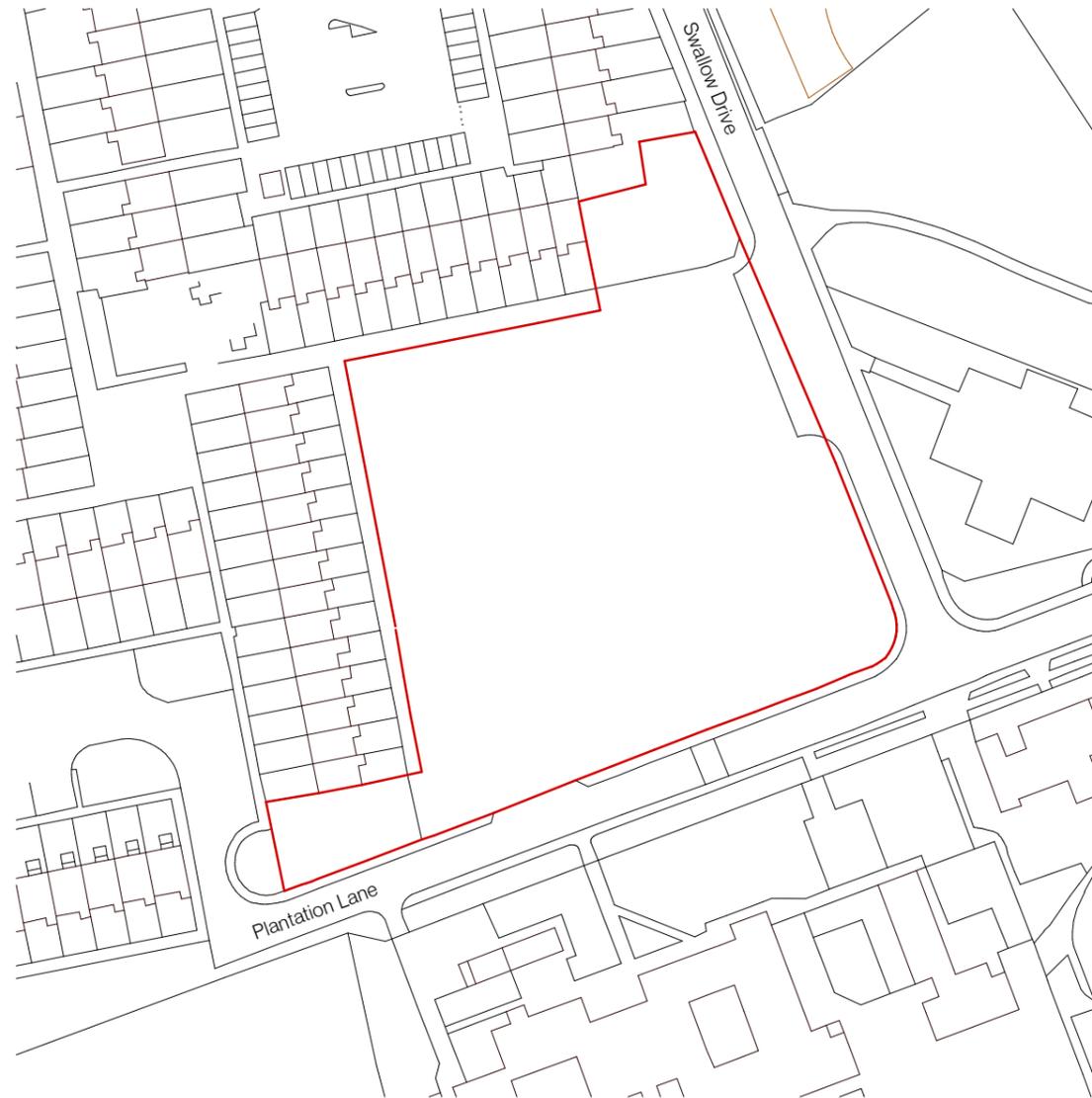
Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
4. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).

5. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
6. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
7. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
8. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
9. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
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13. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
14. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
15. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
16. In the interests of highway safety and movement in accordance with policies DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2018).
17. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2018).
18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Local Development Plan (2018) and Planning Policy Wales (2018).

19. In the interests of Protected Species in accordance with policies SP7 and DM2 of the Powys Local Development Plan (2018), Technical Advice Note 5 – Nature Conservation and Planning (2009) and Planning Policy Wales (2018).
20. In order to ensure effective integration of the site within the surrounding area and safeguard existing character and appearance in accordance with policies SP7 and DM13 of the Powys Local Development Plan (2018).



- Denotes development boundary
- Denotes land in client's ownership

All site & ownership boundaries to be confirmed by client.

P1	Issue for planning.	MR	DT	16.10.19
Rev.	Description	Drawn	Check	Date

FOR APPROVAL

pentan
architects

22 Cathedral Road
Cardiff CF11 9LJ
t. 029 2030 9010
info@pentan.co.uk

Project

Former Red Dragon Centre

Client

Powys CC

Drawing Title

Site Location Plan

Job no.	Org.	Zone	Level	Type	Role	Description	Status	Rev.
3809	- PEN	- ZZ	- ZZ	- DR	- A	- 0001	S4	P1

Scale

1 : 1250 @ A3

Date

Jun '19

NOTES Do not scale. All dimensions are in millimetres unless stated otherwise

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/0300/DIS

Grid Ref: E: 309008
N: 306394

Community Council: Llanfair Caereinion
Community

Valid Date: 25.02.2020

Applicant: G Jones

Location: Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, SY21 0DU.

Proposal: Application to discharge conditions 5, 7, 8, 12 and 13 of planning approval 19/0524/FUL

Application Type: Discharge of Condition

The reason for Committee determination

The applicant is a County Councillor for Powys County Council.

Consultee Responses

Consultee

Received

CPAT

10th Mar 2020

Thank you for forwarding a copy of the exclusion area fencing plan to protect the nearby enclosure earthwork.

I can confirm that the exclusion area is approved and this condition can therefore be discharged.

PCC-Ecologist

10th Apr 2020

Thank you for consulting me with regards to application 20/0300/DIS submitted to discharge conditions 5, 12 and 13 of planning approval 19/0524/FUL which concerns Erection of a poultry unit, associated silos and associated works at Rhiwhiriaeth Isaf, Llanfair Caereinion, Welshpool, Powys.

Condition 5 requires that:

Notwithstanding the approved plans, prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.

Condition 12 requires that:

Notwithstanding the approved plans, prior to first beneficial use of the poultry unit hereby approved, a detailed Woodland Management Plan as outlined in Section 4. of the Ammonia Mitigation Scheme produced by Roger Parry & Partners LLP and Section 6.2 of the Extended Phase One Habitat Survey - Land at Rhiw Hiraeth Llanfair Caereinion Report produced by Arbor Vitae Environment dated September 2018 shall be submitted to and approved in writing by the Local Planning Authority. The Woodland Management Plan shall include a timetable for implementation, initial aftercare and long term management and maintenance measures to benefit biodiversity. The development shall thereafter be undertaken strictly in accordance with the details as approved and maintained thereafter.

Condition 13 requires that:

Prior to first beneficial use of the poultry unit hereby approved, a detailed Ranging Area Hedgerow Protection scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a written specification clearly describing measures that will be implemented to protect the hedgerows within the identified ranging area together with an implementation strategy. The development shall thereafter be undertaken strictly in accordance with the details as approved.

I have reviewed the information submitted as part of the application this includes the following documents:

- o Landscaping Plan drawing no. GD-GJ/01 Rev B produced by Roger Parry & Partners LLP dated 10th May 2019
- o Ranging Area Hedgerow Protection Plan (unreferenced, undated)
- o Woodland Management Plan - Rhiw Hiraeth Isaf produced by Arbor Vitae Environment dated February 2020

Having reviewed the submitted information, I consider that sufficient detail has been provided and the information and measures identified are appropriate and sufficient to comply with the requirements of conditions 5, 12 & 13.

I therefore consider that sufficient information has been submitted to enable discharge of condition 5, 12 & 13 from planning permission 19/0524/FUL.

Planning History

App Ref	Description	Decision	Date
P/2017/1071	Full: Erection of a poultry unit, silos, formation of vehicular access and roadway together with all associated works	Consent	15th Dec 2017
DIS/2018/006 8	Discharge of conditions no's 5, 19 & 22 of planning consent P/2017/1071	Approve	15th Jun 2018
19/0524/FUL	Erection of a poultry unit, associated silos and associated works	Approve	13th Sep 2019

Principal Planning Constraints

Archaeological Remains

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy

TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	Local Development Plan

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Consent is sought for the formal discharge of Conditions 5, 7, 8, 12 and 13 of planning consent 19/0524/FUL which granted consent for erection of a poultry unit, associated silos and associated works at Rhiwhiriaeth Isaf, Llanfair Caereinion.

The Conditions to be discharged are as follows:

Condition 5

Notwithstanding the approved plans, prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a scaled plan identifying the location of planting, species, sizes and planting numbers together with an implementation and maintenance strategy. Thereafter, the development shall be undertaken strictly in accordance with the detailed landscaping scheme as approved.

Condition 7

No development shall commence until details of existing and proposed ground levels together with finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Condition 8

The development hereby permitted shall not begin until an appropriate fenced area, surrounding the Rhiwhiriaeth Isaf archaeological remains on the east side, has been marked out in accordance with a specification submitted to and approved in writing by the Local Planning Authority. Throughout the course of the development no works shall be undertaken within the area surrounded by fencing without the consent of the Local Planning Authority.

Condition 12

Notwithstanding the approved plans, prior to first beneficial use of the poultry unit hereby approved, a detailed Woodland Management Plan as outlined in Section 4. of the Ammonia Mitigation Scheme produced by Roger Parry & Partners LLP and Section 6.2 of the Extended Phase One Habitat Survey – Land at Rhiw Hiraeth Llanfair Caereinion Report produced by Arbor Vitae Environment dated September 2018 shall be submitted to and approved in writing by the Local Planning Authority. The Woodland Management Plan shall include a timetable for implementation, initial aftercare and long term management and maintenance measures to benefit biodiversity. The development shall thereafter be undertaken strictly in accordance with the details as approved and maintained thereafter.

Condition 13

Prior to first beneficial use of the poultry unit hereby approved, a detailed Ranging Area Hedgerow Protection scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a written specification clearly describing measures that will be implemented to protect the hedgerows within the identified ranging area together with an implementation strategy. The development shall thereafter be undertaken strictly in accordance with the details as approved.

Ecology

The Powys Ecologist has been consulted and notes the submission of the following documents:

- o Landscaping Plan drawing no. GD-GJ/01 Rev B produced by Roger Parry & Partners LLP dated 10th May 2019
- o Ranging Area Hedgerow Protection Plan (unreferenced, undated)
- o Woodland Management Plan - Rhiw Hiriaeth Isaf produced by Arbor Vitae Environment dated February 2020

Having reviewed the submitted information, the Powys Ecologist has confirmed they consider that sufficient detail has been provided and the information and measures identified are appropriate and sufficient to comply with the requirements of conditions 5, 12 & 13.

It is therefore considered that sufficient information has been submitted to enable the discharge of conditions 5, 12 & 13.

Archaeology Remains

Condition 8 required a fenced area to be provided surrounding the Rhiwhiriaeth Isaf archaeological remains to the east of the application site.

CPAT have been consulted and have confirmed that the exclusion area as shown on drawing GD-MZ316-01 is sufficient to ensure the protection of the archaeological remains.

It is therefore considered that sufficient information has been submitted for the discharge of Condition 8.

Topography

Condition 7 required for existing and proposed ground levels to be submitted prior to the commencement of development.

It is noted given the location of the proposed building that there will be at one point across the site whereby a height of approximately 7metres of material is to be removed. This will ensure that the proposed building will be sited at the same level of the existing poultry unit on site. Whilst therefore it is acknowledged that a significant height in this one location is to be removed, it is noted that the material extracted will also be used to build up levels in other areas across the site to ensure a flat plateau for the proposed building.

These proposed ground levels will ensure that the height of the proposed building is at the same level as the existing building which will reduce landscape and visual impact dramatically for the proposed building. The long-range views from the west of the site will therefore see the grouping of the two buildings with the proposed siting directly to the rear of the existing.

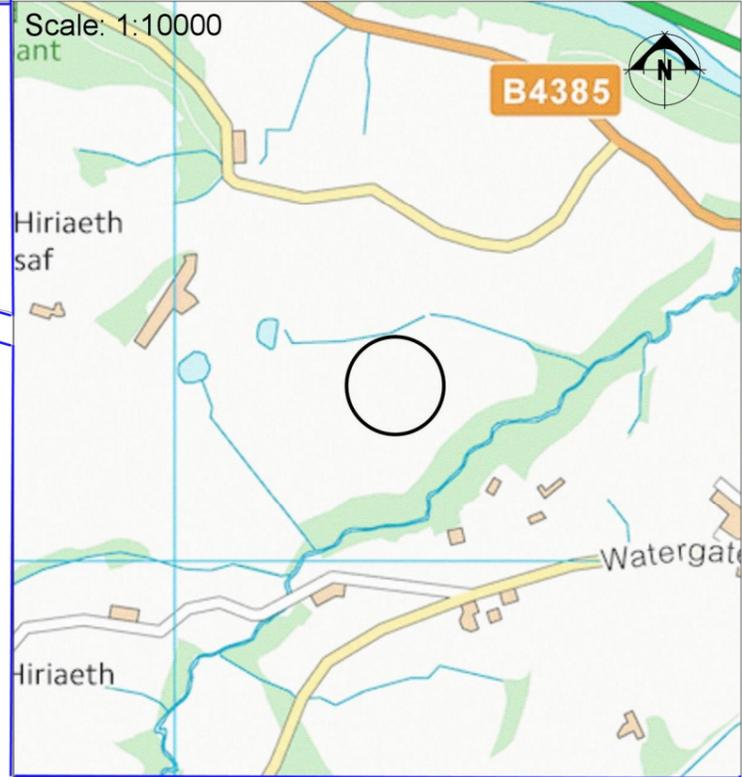
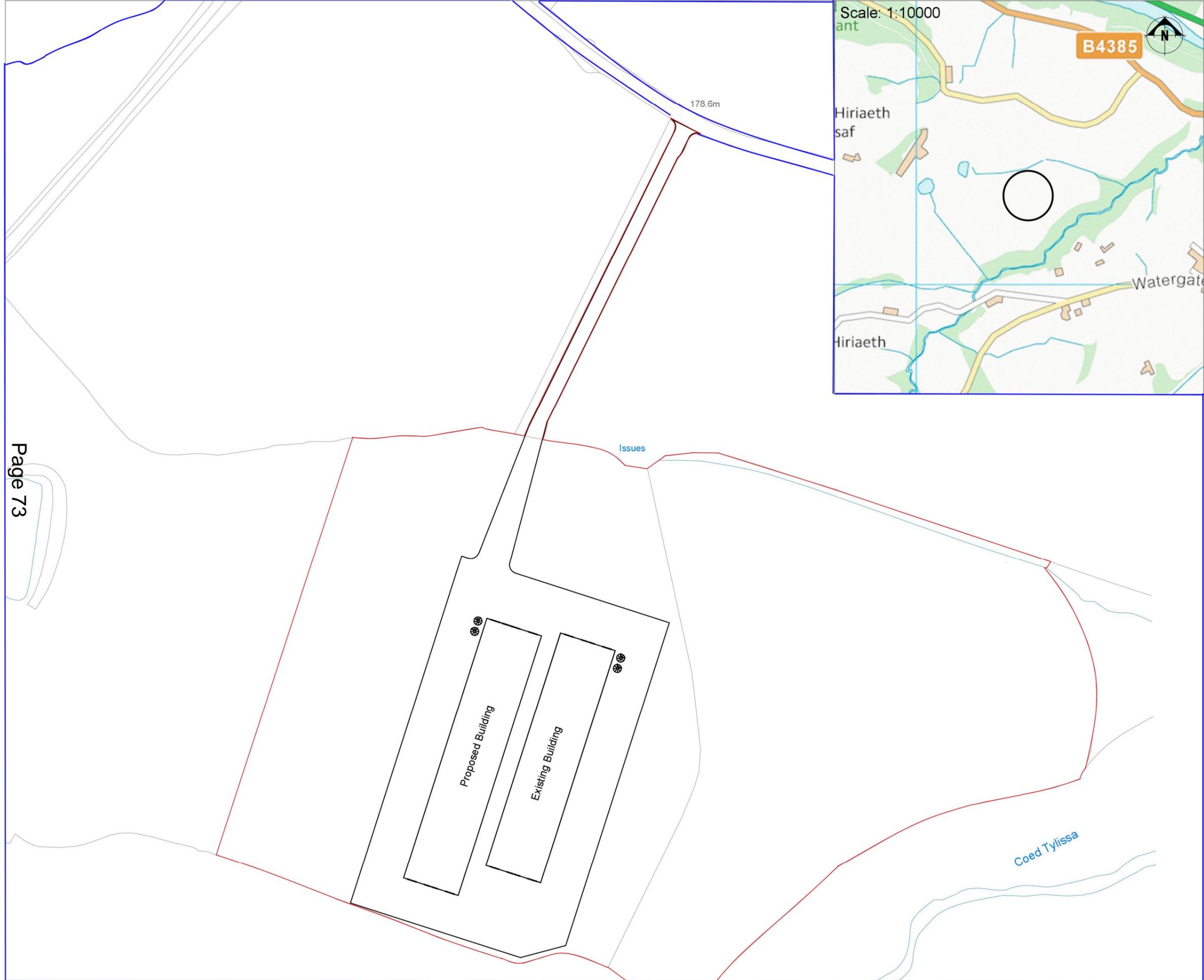
It is therefore considered that the proposed ground levels as shown on drawing GD-MZ316-04 would ensure a building that is appropriately sited within the landscape and to the rear of the existing unit, reducing landscape and visual impact.

The information submitted is therefore considered to be acceptable in the discharge of Condition 7.

Recommendation

In line with the above consideration and the information received it is therefore considered that sufficient information has been submitted and it is recommended that Conditions 5, 7, 8, 12 and 13 of planning consent 19/0524/FUL are formally discharged.

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Red Boundary

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Rev	Description	Date	Dr by	App by
Original	by			



Residential - Agricultural - Commercial	
Job	2nd Poultry unit at Rhiwhiriaeth Isaf
Title	Location Plan
Location	Llanfair Caereinion SY21 0DU
Client	G Jones
Scales	1:1250 @ A3
Drawing No.	GD-MZ316-01
Drawn by	AZ
Date	16/11/2018

HOGSTOW HALL, MINSTERLEY
 SHREWSBURY, SHROPSHIRE. SY5 0HZ
 Tel: 01743 791336 Fax: 01743 792770
 email: mail@rogerparry.net
 Web address: www.rogerparry.net

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Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
DM14	Air Quality Management		Local Development

		Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
RES	SPG Residential Design Guide (2020)	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Llanfair Caereinion and is located within the open countryside as defined by the Powys Local Development Plan (2018). The site is located with the access to the site to the north, an existing poultry unit (P/2017/1071) to the east, and agricultural land to the south and west.

This application seeks to remove condition 10 from planning approval 19/0524/FUL. Condition 10 reads as follows;

“All deliveries to and from site in connection to this application shall be carried out between the following hours, Monday to Friday from 08.00 to 18.00 hours, Saturdays

from 08.00 to 13.00 hours and at no time on Sundays, bank and public holidays”.

The reasoning for the Condition was:

To protect the local amenities of the local residents by reason of noise in line with LDP policy DM13, Technical Advice Note 11 – Noise (1997) and Planning Policy Wales (2018).

Consideration of the Proposed Amendment

Section 96A of the Town and Country Planning Act 1990 allows an amendment to be made to an existing or extant planning permission via a simplified application procedure providing that the proposed amendment does not materially alter the consented scheme.

Paragraph 2.6 of The Planning Guidance-Approving Non Material Amendments states that when assessing and determining whether or not a proposed change would qualify as a non-material amendment, Local Planning Authorities may consider the following tests:

- *Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?*
- *Would the proposed change result in a detrimental impact either visually or in terms of local amenity?*
- *Would the interests of any third party or body be disadvantaged in planning terms?*
- *Would the proposed change conflict with national or development plan policies?*

Is the scale of the proposed change great enough to cause an impact different to that caused by the original approved development scheme?

Consent is sought for the removal of Condition 10 which currently limits the timing in which all deliveries are brought to the site. It has been argued that the Condition is not relevant in this instance given the location of the application site.

The application site is served by the C2130 County Highway, which leads to the B4385 County Highway, where there are no restrictions on hours or size of vehicles which can utilise the highway network within this area.

The reasoning for the Condition was to ensure the amenities of neighbouring properties in terms of noise were protected. The nearest non-associated residential property to the application is located 180 metres south east of the application site.

Therefore given the distance to the nearest neighbouring residential property and the location of the site along an unrestricted County Highway it is not considered that the removal of Condition 10 would propose a change great enough to cause an impact to

that previously approved.

Would the proposed change result in a detrimental impact either visually or in terms of local amenity?

Consent is sought for the removal of Condition 10 which currently limits the timing in which all deliveries are brought to the site. It has been argued that the Condition is not relevant in this instance given the location of the application site.

Therefore given the distance to the nearest neighbouring residential property and the location of the site along an unrestricted County Highway it is not considered that the removal of Condition 10 would cause an adverse impact on the amenities of properties in the surrounding area.

Additionally, there will be no change to the scale of the proposed development, therefore the amendment will cause no different visual impact, to that previously approved.

Would the interests of any third party or body be disadvantaged in planning terms?

As raised above, given the location of the application site and the location of neighbouring residential properties it is not considered that any third party or body would be disadvantaged.

It is noted for the original planning application (19/0524/FUL), Environmental Health were consulted and did not request for condition 10 to be attached to any grant of consent. It is therefore considered on this basis that the attachment of the condition was un-necessary in this instance as no concerns on amenity grounds was raised by Environmental Health.

Would the proposed change conflict with national or development plan policies?

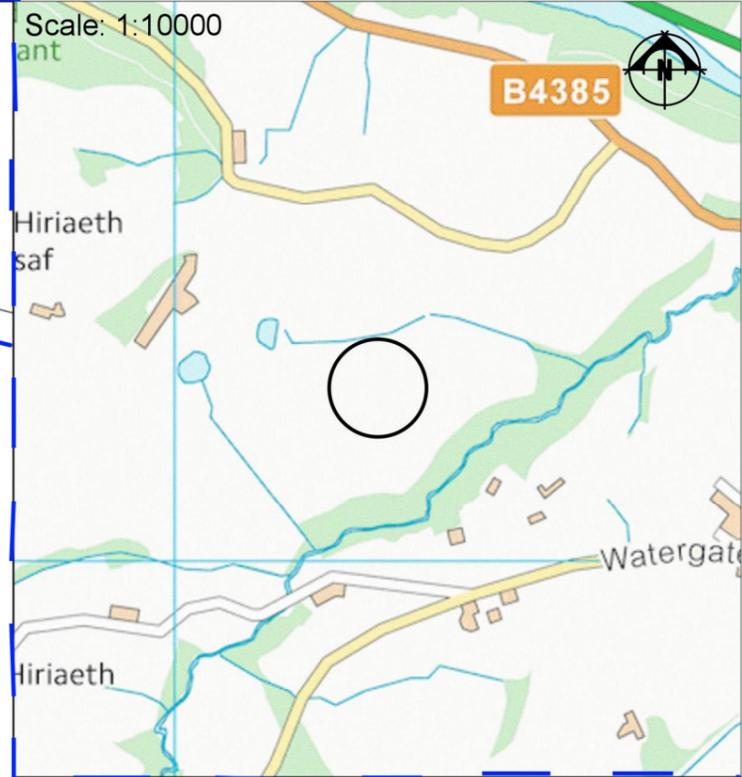
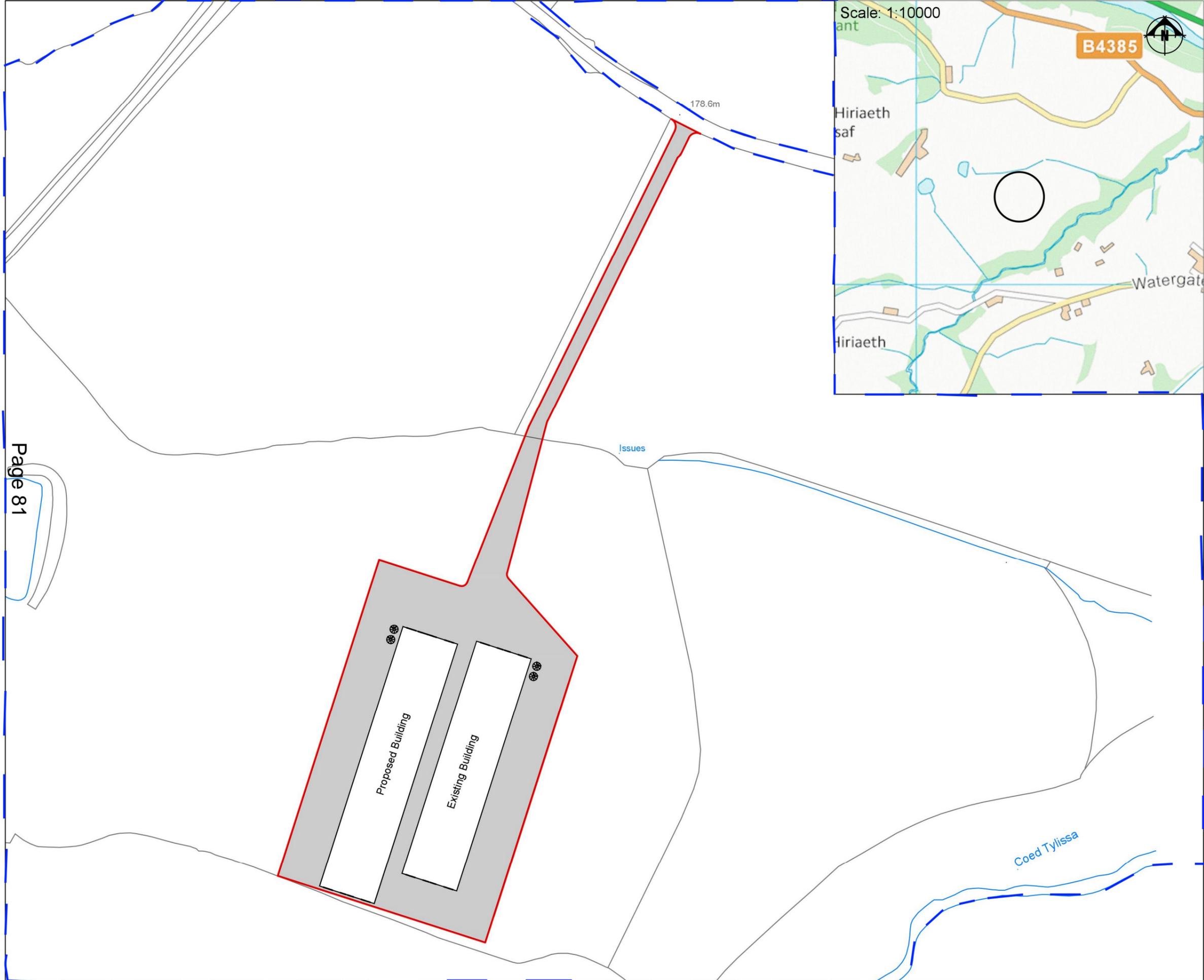
The proposed removal of Condition 10 would not result in any changes in relation to national or local development plan policies. This non-material amendment application is for the removal of a condition only and no external alterations are proposed to the site.

Conclusion

On the basis of the above observations, officers consider that the proposed development remains in accordance with the listed planning policies. Due to the nature of the proposed alterations, it is not considered that the amendments materially alter the approved scheme, and the recommendation is therefore one of approval.

RECOMMENDATION – APPROVAL

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Red Boundary

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Rev	Description	Date	Dr by	App by
Original	by			



Residential - Agricultural - Commercial	
Job	2nd Poultry unit at Rhiwhiriaeth Isaf
Title	Location Plan
Location	Llanfair Caereinion SY21 0DU
Client	G Jones
Scales	1:1250 @ A3
Drawing No.	GD-MZ316-01
Drawn by	AZ
Date	28/09/2018

HOGSTOW HALL, MINSTERLEY SHREWSBURY, SHROPSHIRE. SY5 0HZ
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Delegated List

115 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Approve	13/05/2020	20/0721/NMA	Non-Material Amendment	21/05/2020	Application for a non material amendment to planning permission P/2008/1526 in respect of relocating plot 2	Rose Villa Barn Bwlch-Y-Sarnau Rhayader LD6 5ND
	Approve	19/05/2020	20/0761/DIS	Discharge of Condition	22/06/2020	Application to discharge conditions 7, 8, 9 & 10 of planning approval 19/2022/FUL	Land At Cefn Pawl Abbeycwmhir Llandrindod Wells LD1 6PG
Aberhafesp Community	Approve	19/11/2019	19/1825/FUL	Full Application	10/06/2020	Siting of 4 no. shepherd's huts for holiday use, installation of sewage treatment plant and all associated works	Land At Bronffynnon Bwlch-Y-Ffridd Newtown SY16 3JA
Banwy Community	Approve	16/01/2020	20/0067/OUT	Outline planning	15/06/2020	Application for outline permission for the erection of 2x dwellings and the formation of revised vehicular access (all matters reserved)	Development Of Two Dwellings At Land Adjoining Lletypiod Y Foel Y Trallwng Powys
	Consent	09/12/2019	19/1908/FUL	Full Application	21/05/2020	Conversion and extension of barns to a dwelling, installation of a sewage treatment plant and all associated works	Barns At Dolgaseg Foel Welshpool Powys SY21 0PE

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115 Applications

Bausley With Criggion Community	Approve	17/02/2020	20/0335/RES	Reserved Matters	08/06/2020	Reserved matters application in connection with outline approval P/2016/1077	Plot 2 Adj Tan Y Bryn Coedway Crew Green Powys SY5 9AR
Bettws Community	Approve	18/02/2020	20/0279/FUL	Full Application	22/06/2020	Erection of Agricultural Building for the Housing of Sheep, Storage of Feed, Fodder & Machinery and all associated works	Land To South Of Bryn Coch Bettws Cedewain Newtown Powys SY16 3LG
Bronllys Community	Approve	11/05/2020	20/0705/HH	Householder	11/06/2020	Erection of a garage	Rosedale Pontithel Brecon Powys LD3 0SH
	Consent	05/03/2020	20/0440/HH	Householder	08/06/2020	Proposed single storey front and rear extensions and creation of additional parking space to the front	2 Pont-y-wal Lane Bronllys Brecon Powys LD3 0HU
	Consent	30/03/2020	20/0535/HH	Householder	08/06/2020	Erection of a detached garage with home office over	Ty Coetir Pont-Y-Wal Lane Bronllys Brecon LD3 0LU

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115 Applications

Cadfarch Community	Approve	24/04/2020	20/0608/FUL	Full Application	16/06/2020	Erection of 4 bedroom detached dwelling	17 Pencaemawr Penegoes Machynlleth Powys SY20 8BP
Caersws Community	Approve	11/02/2020	20/0247/REM	Removal or Variation of Condition	26/05/2020	Section 73 application to vary condition 2 of planning approval 19/0660/FUL to substitute the approved plans	Land At Pontdolgoch Caersws Powys SY17 5NJ
	Approve	20/04/2020	20/0624/DIS	Discharge of Condition	11/06/2020	Application to discharge condition 10 of planning approval 19/2030/FUL	Plot 2 Maes Y Cwm Llanwnog Caersws Powys
	Approve	25/03/2020	20/0527/HH	Householder	22/05/2020	Demolition of part of dwelling and erection of a 2 storey extension	Pen Y Coed Caersws Powys SY17 5QP
Carno Community Council	Approve	19/03/2020	20/0381/FUL	Full Application	15/06/2020	Erection of an extension to an existing agricultural shed together with all other associated works The building shall be used for the housing, sorting of sheep and general farm storage.	Rallt Carno Caersws SY17 5JX

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115 Applications

Castle Caereinion Community	Refused	27/05/2020	20/0804/NMA	Non-Material Amendment	01/06/2020	Application for a non-material amendment to planning approvals P/2016/1065 (Outline) & 19/0223/RES (Reserved Matters) to substitute a single affordable dwelling with a pair of semi detached affordable dwellings	Land At Tynllan Farm Castell Caereinion Welshpool Powys SY21 9AL
Churchstoke Community	Approve	22/05/2020	20/0771/DIS	Discharge of Condition	01/06/2020	Discharge of condition 7 of planning approval P/2015/0340 (materials)	Land Adjacent To Buttercup House Church Stoke Montgomery Powys SY15 6AH
	Refused	26/10/2016	P/2016/1066	Full application	22/06/2020	Full: Conversion of outbuilding to create 3 dwellings, constructions of vehicular access, installation of sewerage treatment plant and all associated works	Bacheldre House Barn Churchstoke Montgomery Powys SY15 6TE
	Refused	26/10/2016	P/2016/1067	Listed Building Consent	28/05/2020	LBC: Conversion of outbuilding to create 3 dwellings and all associated works	Bacheldre House Barn Churchstoke Montgomery Powys SY15 6SR

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115 Applications

Cilmerly Community	Approve	20/11/2019	19/1857/RES	Reserved Matters	02/06/2020	Application for reserved matters following the approval of P/2017/0871 for the erection of 5x dwellings.	Site Adj To Belmont Cilmerly Builth Wells Powys LD2 3NY
	Approve	03/02/2020	20/0147/HH	Householder	04/06/2020	Erection of an extension, alterations to dwelling and all associated works	Hillview Cilmerly Builth Wells Powys LD2 3PA
	Refused	29/04/2020	20/0653/HH	Householder	09/06/2020	Proposed side & rear extension	Ceirios 41 Parc-Yr-Irfon Builth Wells LD2 3NG
Clyro Community	Consent	10/02/2020	20/0238/FUL	Full Application	22/06/2020	Change of use of land from the permitted use for the siting of tents for up to 28days in a calendar year, to a seasonal use for the siting of tents from the 1st March-31st Oct each year.	Borders Hideaway Holiday Home Park Clyro Hereford Powys HR3 5SG
Disserth And Trescoed Community	NMA Approved	09/04/2020	20/0584/NMA	Non-Material Amendment	20/05/2020	Application for a non-material amendment to planning approval R563/E to replace conditions 2 & 3 with the standard holiday occupancy condition	Dalmore Caravan Park Howey Llandrindod Wells LD1 5RG

Delegated List

115 Applications

	NMA Approved	09/04/2020	20/0585/NMA	Non-Material Amendment	20/05/2020	Application for a non-material amendment to planning approval R3590/D to replace conditions 3, 4 & 5 with the standard holiday occupancy condition	Dalmore Caravan Park Howey Llandrindod Wells LD1 5RG
	NMA Approved	09/04/2020	20/0586/NMA	Non-Material Amendment	20/05/2020	Application for a non-material amendment to planning approval PR3590/06 to replace condition 5 with the standard holiday occupancy condition	Dalmore Caravan Park Howey Llandrindod Wells LD1 5RG
Duhoew Community	Approve	06/05/2020	20/0711/HH	Householder	12/06/2020	Erection of a single storey sunroom extension	Cwmhinddu, The Barn Llandewi'r-Cwm Builth Wells LD2 3RJ
Glantwymyn Community	Approve	28/02/2020	20/0349/FUL	Full Application	16/06/2020	Change of use from health centre to residential care home: alterations to the existing building to provide 6 bedrooms; rear extension to provide additional 12 bedrooms (18 in total) and manager's accommodation; installation of a treatment plant	Glantwymyn Health Centre Glantwymyn Cemmaes Road Machynlleth SY20 8LB



Delegated List

115 Applications

Glasbury Community	Approve	22/05/2020	20/0781/NMA	Non-Material Amendment	09/06/2020	Application for non- material amendment to planning permission 19/1268/HH in respect of approved plans	3 Church Close Station Road Boughrood Brecon Powys LD3 0DJ
	Consent	19/12/2019	19/2090/LBC	Listed Building Consent	03/06/2020	Listed building consent for erection of stone boundary wall	Boughrood Castle Boughrood Brecon LD3 0YH
	Consent	12/03/2020	20/0306/HH	Householder	08/06/2020	Proposed extension to existing terrace balcony	Mountain View Ffynnon Gynydd Hereford HR3 5NZ
	Consent	13/03/2020	20/0447/FUL	Full Application	10/06/2020	Erection of silage pit	Glangwye Boughrood Brecon LD3 0BQ
Guilsfield Community	Approve	14/11/2019	19/1875/FUL	Full Application	16/06/2020	Construction of new demountable classroom to provide 3+ Early years facility	Guilsfield C P School Guilsfield Welshpool SY21 9ND
Honddu Isaf Community	Approve	07/02/2020	20/0229/FUL	Full Application	22/06/2020	Creation of a Holiday Chalet within the residential Curtilage of Come By	Come By Garthbreny Brecon LD3 9TW
	Approve	05/03/2020	20/0356/FUL	Full Application	04/06/2020	Formation of vehicular access road to existing dwelling	Cwrtau Bach Barn Garthbreny Brecon LD3 9TN



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Knighton Community	Consent	24/04/2020	20/0648/FUL	Full Application	28/05/2020	Erection of a general purpose agricultural storage building	Brandy Cottage Knighton LD7 1PG
Llanbadarn Fynydd Community	Approve	21/09/2018	18/0557/FUL	Full Application	15/06/2020	Erection of a free range egg production unit including silos and all associated works	Land At Ddulley Bank Farm Llaithddu Llandrindod Wells Powys LD1 6YS
	Approve	28/04/2020	20/0671/DIS	Discharge of Condition	11/06/2020	Application to discharge conditions 12 and 13 of planning approval 19/1706/FUL	Land At Pencwm Davids Well Llandrindod Wells Powys LD1 6YS
Llanbrynmair Community	Approve	03/03/2020	20/0236/FUL	Full Application	21/05/2020	Change of use of agricultural land and hardstanding to Equestrian riding arena	Blaencwm Old House Llanbrynmair SY19 7EA
	Approve	28/05/2020	20/0841/NMA	Non-Material Amendment	16/06/2020	Application for a non-material amendment to planning approval P/2018/0533 in respect of altering the design of the hut and for it to be mounted on a moveable metal framed chassis	Top Y Cae Dylife Llanbrynmair Powys SY19 7BW

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Llanddew Community	Planning Permission Required	09/12/2019	19/1911/CLE	Certificate of Lawfulness - Existing	18/06/2020	Section 191 application for a lawful development certificate for the use of land as part of a caravan and camping site	Bishops Meadow Caravan Park Hay Road Brecon Powys LD3 9SW
Llanddewi Ystradenni Community	Consent	10/03/2020	20/0512/HH	Householder	09/06/2020	Erection on conservatory	Dolyfelin Llanbister Road Llandrindod Powys LD1 6SP
Llandinam Community	Approve	14/12/2018	18/1130/FUL	Full Application	05/06/2020	Change of use of land to accommodate 100 static caravans, 5 chalets, erection of an Amenity building and associated infrastructure	Mid Wales Golf Centre A470t From Llandinam Hall To Junction With A489t By Caersws Caersws SY17 5SB
	Approve	19/07/2019	19/1105/LBC	Listed Building Consent	12/06/2020	Listed building consent for alterations /renovations to existing dwelling including erection of a rear two storey extension and detached garage	Middle Esgair Dolwen Llanidloes SY18 6LJ

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Approve	14/08/2019	19/1104/FUL	Full Application	12/06/2020	Change of use of land to domestic curtilage and alterations /renovations to dwelling including erection of a two storey rear extension and detached garage, formation of new vehicular access roadway and installation of septic tank	Middle Esgair Dolwen Llanidloes SY18 6LJ
Approve	23/03/2020	20/0364/FUL	Full Application	15/06/2020	Replacement of agricultural building	Lower Penrhyddlan Farm Llandinam Powys SY17 5AX
Consent	25/02/2020	20/0290/FUL	Full Application	02/06/2020	Refurbishment of existing offices, internal demolition of warehouse, office extension to front, external modernisation, new access road to rear.	Unit 1 Ddole Industrial Estate Road Llandrindod Wells Powys LD1 6DF
Consent	31/03/2020	20/0547/FUL	Full Application	20/05/2020	Change of use of land to provide additional car parking area together with associated pathway, drainage and landscaping.	County Hall Spa Road East Llandrindod Wells Powys LD1 5LG

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Llandrindod Wells Community

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Llandrinio And Arddleen Community	Approve	06/12/2018	18/0533/DIS	Discharge of Condition	05/06/2020	Application to discharge planning condition no's 4, 5, 8, 9, 13, 14, 30, 34, 35, 37, 38 and 39 attached to planning permission P/2016/1016	Land Off Plas Foxen Foxen Manor Road Four Crosses Llanymynech Powys SY22 6RG
	Approve	20/03/2020	20/0528/DLC	Discharge of Legal Condition	28/05/2020	Approval of details included in the Section 106 legal agreement associated with P/2016/1016 (reserved matters 18/0532/RES)	Land Near Plas Foxen Foxen Manor Road Four Crosses Llanymynech Powys SY22 6RG
	Approve	17/04/2020	20/0588/HH	Householder	10/06/2020	Erection of a single storey side extension	19 Llwyn Perthi Arddleen Llanymynech Powys SY22 6QX
	Refused	26/03/2019	19/0467/FUL	Full Application	12/06/2020	Demolition of existing agricultural buildings and the erection of an industrial storage building (retrospective)	Penrhos Farm Penrhos Llansantffraid-Ym-Mechain SY22 6QH
	Refused	06/05/2019	19/0610/FUL	Full Application	12/06/2020	Change of use of agricultural building to B1 / B8 use, erection of gates and all associated works	Penrhos Farm Llansantffraid-ym-mechain Powys SY22 6QH

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Llandysilio Community	Consent	05/03/2020	20/0369/FUL	Full Application	07/06/2020	Erection of a agricultural building	Nursery And Premises Domgay Road Four Crosses Llanymynech Powys SY22 6SL
	Consent	28/04/2020	20/0566/FUL	Full Application	11/06/2020	Erection of an extension to existing building and all associated works	The Old Creamery Four Crosses Llanymynech Powys SY22 6RH
Llanfawredd Community	Approve	13/01/2020	20/0056/DIS	Discharge of Condition	02/06/2020	Application for the discharge of conditions 15 and 16 from planning approval 19/1017/FUL in respect of landscaping and schedule of phasing scheme	Talarddu Llanfawredd Builth Wells LD2 3UE
Llanfair Caereinion Community	Approve	08/03/2018	P/2018/0266	Full application	16/06/2020	Full: Erection of a free range egg production unit, alterations to access and all associated works	Cross Farm Llanfair Caereinion Welshpool Powys SY21 0DP
	Approve	18/06/2019	19/0828/FUL	Full Application	20/05/2020	Erection of a detached dwelling, formation of vehicular access and all associated works	Plot Adj Ewenni Glanyrafon Llanfair Caereinion Welshpool Powys SY21 9EB

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	Consent	28/04/2020	20/0664/FUL	Full Application	28/05/2020	Proposed holiday park general amenity building and gym	Dolgead Hall Caravan Park Llanfair Caereinion Powys SY21 0HT
Llanfihangel Rhydithon Community	Approve	12/10/2017	P/2017/1149	Full application	18/06/2020	Major - Erection of a poultry unit, associated feed bins, improvements to existing field access and associated works	Land West Of Wern Y Weeg Dolanog Welshpool SY21 0LF
Page 95	Approve	24/10/2019	19/1719/RES	Reserved Matters	09/06/2020	Application for reserved matters following the approval of P/2018/0464 for the erection of a dwelling and all associated works	Nantwellan Dolau Llandrindod Powys LD1 5UW
	Approve	24/02/2020	20/0352/HH	Householder	12/06/2020	Erection of garage	Glynllan Penygarnedd Oswetsy Powys
Llanfyllin Community	Approve	02/04/2020	20/0463/FUL	Full Application	22/05/2020	Replacement of an existing metal oil tank with a fire-rated, bunded equivalent	St Myllin's Church High Street Llanfyllin SY22 5AB
Llangunllo Community	Consent	26/02/2020	20/0328/REM	Removal or Variation of Condition	17/06/2020	Section 73 application to alter conditions 3 and 4 from permission 19/0040/FUL relating to bat mitigation	Lynwood Bleddfa Knighton Powys LD7 1PA

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Llangurig Community	Consent	29/05/2019	19/0866/FUL	Full Application	15/06/2020	Erection of a pullet rearing unit, feed bins and associated works	Blaen Glyn Llangurig Llanidloes Powys SY18 6SL
Llangyniew Community	Approve	25/06/2019	19/0916/DIS	Discharge of Condition	16/06/2020	Application to discharge condition no's 4, 8, and 10 attached to planning permission P/2018/0500 (access improvements, building survey / analysis report and lighting scheme)	Mathrafal Farm Meifod Powys SY22 6HT
Llanidloes Without Community	Approve	16/10/2019	19/1727/FUL	Full Application	17/06/2020	Erection of a dwelling and all associated works	Plot 1 Nant Ceiriog Y Fan Llanidloes Powys SY18 6PB
	Approve	10/03/2020	20/0494/DIS	Discharge of Condition	19/06/2020	Discharge of conditions 3, 14, 17 and 19 attached to permission 19/0219/FUL	Land South East Of Valley View Oakley Park Llanidloes Powys SY18 6LR

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	Approve	29/05/2020	20/0820/NMA	Non-Material Amendment	16/06/2020	Application for a non-material amendment to planning approval P/2008/1019 to change the design and type of holiday unit for plots 1-18	Pen Y Banc Farm Glan-y-nant Llanidloes Powys SY18 6PQ
Llanrhaeadr-Ym-Mochant Community	Approve	07/02/2020	20/0251/FUL	Full Application	12/06/2020	Installation of an air source heat pump and bin store	Former British Legion Hall Waterfall Street Llanrhaeadr-ym-mochnant Powys SY10 0JX
Llansantffraid Community	Approve	02/06/2020	20/0822/DIS	Discharge of Condition	18/06/2020	Application to discharge conditions 6 & 7 of planning approval 18/0971/FUL	1 Waterloo Terrace Llansantffraid-Ym-Mechain SY22 6AT
Llansilin Community	Approve	10/06/2020	20/0904/DIS	Discharge of Condition	16/06/2020	Application to discharge condition 3 of planning approval 19/1950/FUL	Glan-y-gors Moelfre Oswestry Powys SY10 7QW
Llanwddyn Community	Approve	06/04/2020	20/0464/FUL	Full Application	22/05/2020	Replacement of an existing plastic oil tank with a fire-rated, bunded equivalent	St Wddyn's Church Church Lane Llanwddyn SY21 0LU

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Llanwrthwl Community	Approve	24/02/2020	20/0318/FUL	Full Application	09/06/2020	Change of use and extension of existing agricultural barns to form additional living accommodation and all associated works	Cringoed Issa Blaen-y-cwm Llanwrthwl Llandrindod Wells Powys LD1 6NU
	Approve	22/04/2020	20/0522/REM	Removal or Variation of Condition	17/06/2020	Section 73 application to vary condition 2 of planning approval 18/0938/FUL in regards to plans	Cwmbach Farm Llanwrthwl Llandrindod Wells LD1 6NU
Machynlleth Community	Approve	16/03/2020	20/0466/DIS	Discharge of Condition	16/06/2020	Application to discharge conditions 6, 9, 10, 11, 12 and 24 of planning approval P/2016/1227	Land Adjoining Cemetery Machynlleth Powys SY20 8HE
	Approve	08/06/2020	20/0842/NMA	Non-Material Amendment	16/06/2020	Application for a non-material amendment to planning approval P/2016/0880 to include a basement floor to make use of the site and the site levels	Bryngwawr Tanrallt Road Machynlleth SY20 8HZ
Meifod Community	Approve	16/12/2019	19/2037/FUL	Full Application	04/06/2020	Erection of a manure store and all associated works	Upper Hall Meifod Powys SY22 6HR

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Page 99	Nantmel Community	Approve	28/02/2020	20/0332/FUL	Full Application	16/06/2020	Siting of 6 no. holiday pods, formation of access road, installation of sewage treatment plant and associated works	Land North Of Upper Dolau Nantmel Rhayader Powys LD6 5PE
		Approve	04/03/2020	20/0259/FUL	Full Application	21/05/2020	Retrospective planning permission for two farm 2000 Biomass boilers with two water tank thermal stores	Rhosllyn Rhayader LD6 5PD
		Approve	11/03/2020	20/0384/FUL	Full Application	21/05/2020	Installation of a biomass boiler, flue and associated works	Land At Cae Henfron South Street Rhayader Powys LD6 5BH
	New Radnor Community	Consent	30/03/2020	20/0476/LBC	Listed Building Consent	10/06/2020	Internal restoration works to repair water damage	6 Broad Street New Radnor Presteigne LD8 2SP
	Newtown And Llanllwchaiarn Community	Approve	06/03/2020	20/0262/FUL	Full Application	03/06/2020	Demolition of existing sheep housing and erection of replacement building for sheep housing and teaching purposes	Fronlas Farm Mochdre Lane Newtown Powys SY16 4JA

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Approve	31/03/2020	20/0544/FUL	Full Application	22/06/2020	Removal of existing / storm damaged cladding to flytower and replacing with composite panels	NPTC Newtown College Campus Llanidloes Road Newtown Powys SY16 4HU
Approve	06/04/2020	20/0400/HH	Householder	21/05/2020	Extension of the front porch	99 Garth Owen Newtown SY16 1JW
Approve	26/05/2020	20/0776/DIS	Discharge of Condition	16/06/2020	Application to discharge conditions 8 & 9 of planning approval 18/0124/REM	Former Bowling Green Site Back Lane Newtown SY16 2NH
Approve	05/06/2020	20/0854/NMA	Non-Material Amendment	15/06/2020	Application for a non-material amendment to planning approval 20/0208/HH in respect of altering the door and window arrangement to side and rear elevations, change to rendered wall finish for extensions and the side extension first floor wall brought forward to align with ground floor wall	Brynewel Bryn Gardens Newtown SY16 2DR

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Old Radnor Community	Consent	22/01/2020	20/0128/FUL	Full Application	22/06/2020	Siting of a holiday unit, formation of vehicular access track and all associated works	Land At Rowbatch Farm Stanner Kington Powys
Paincastle Community	Consent	31/03/2020	20/0543/HH	Householder	22/06/2020	Erection of a double garage including removal of existing shed	1 Sunnybank Erwood Llandeilo Graban Builth Wells Powys LD2 3SJ
Penybont Community	Approve	13/08/2019	19/1308/REM	Removal or Variation of Condition	05/06/2020	Section 73 application to remove condition 3 and vary condition 7 regarding egg production and times of collections in relation to planning permission P/2008/0095	Bryn Thomas Penybont Llandrindod Powys LD1 5SP
	Approve	13/08/2019	19/1309/REM	Removal or Variation of Condition	05/06/2020	Section 73 application to remove condition 18 and vary condition 19 regarding egg production and times of collections in relation to planning permission P/2012/0937	Bryn Thomas Penybont Llandrindod Powys LD1 5SP
	Approve	31/01/2020	20/0219/NMA	Non-Material Amendment	05/06/2020	Application for a non-material amendment to planning permission P/2014/0672 in respect to the wording of condition 7	Hendy Wind Farm Llandegley Llandrindod Wells Powys LD1 5RP

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Pen-y-bont Fawr Community	Approve	27/03/2020	20/0486/FUL	Full Application	09/06/2020	Replacement of an existing de-mountable building used as a class base with a new unit and all associated works	Ysgol Pennant Penybontfawr Dolafon Estate Oswestry SY10 0PD
Presteigne Community	Approve	04/02/2020	20/0013/RES	Reserved Matters	21/05/2020	Reserved matters application following outline consent P/2016/0819 for the erection of 36 dwellings and associated works	Land Opposite King's Court Presteigne Powys
Rhayader Community	Approve	01/05/2020	20/0680/DIS	Discharge of Condition	21/05/2020	Application to discharge condition 3 of planning approval 20/0180/FUL	Land At Tynllidiart Hill Penybont Elan Valley Rhayader Powys LD6 5HS
St. Harmon Community	Approve	14/04/2020	20/0621/FUL	Full Application	09/06/2020	Formation of horse menage on equestrian land	Rhosforfan Pant-y-dwr Rhayader Powys LD6 5LW
Tawe-Uchaf Community	Consent Section 106	11/11/2019	19/1899/REM	Removal or Variation of Condition	08/06/2020	Section 73 application to vary condition 45 of planning permission 18/1070/REM in relation to restoration scheme.	Nant Helen Surface Mine Coelbren Neath Powys

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Trefeglwys Community	Approve	22/05/2020	20/0792/NMA	Non-Material Amendment	29/05/2020	Application for a non- material amendment to planning approval M/2003/0983 in relation to rewording condition 11	Development Site Rear Of Former Memorial Hall Trefeglwys Caersws Powys
	Approve	22/05/2020	20/0793/NMA	Non-Material Amendment	29/05/2020	Application for a non- material amendment to planning approval M/2006/0583 in relation to rewording condition 6	Development Site Of Former Memorial Hall Trefeglwys Caersws Powys
	Approve	22/05/2020	20/0794/NMA	Non-Material Amendment	29/05/2020	Application for a non- material amendment to planning approval M/2003/1331 in relation to rewording condition 8	Former Primary School Trefeglwys Caersws Powys SY17 5PH
	Consent	14/02/2020	20/0093/FUL	Full Application	27/05/2020	Change of Use of existing shooting ground to a 5 star mixed use holiday park and associated works	Mid Wales Shooting Centre Ffinant Farm Trefeglwys Caersws Powys SY17 5QY
Treflys Community	Approve	10/03/2020	20/0423/HH	Householder	18/06/2020	Erection of a car port and extension of domestic curtilage	1 Caeryrfa Llanwrtyd Wells LD5 4YB

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Tregynon Community	Approve	05/05/2020	20/0703/DIS	Discharge of Condition	09/06/2020	Application to discharge conditions 5 and 7 of planning approval 20/0117/FUL	Porth Maen Tregynon Newtown Powys SY16 3PF
Welshpool Community	Approve	01/07/2019	19/1032/FUL	Full Application	16/06/2020	Erection of an agricultural building and all associated works	Wernllwyd Berriew Welshpool SY21 8AA
	Approve	23/09/2019	19/1535/ADV	Advertisement Consent	17/06/2020	Display of a freestanding internally illuminated 7m high totem sign	Land At Buttington Cross Enterprise Park Buttington Welshpool Powys SY21 8SL
	Approve	29/04/2020	20/0713/NMA	Non-Material Amendment	27/05/2020	Application for a non-material amendment to planning approval 19/0827/REM to remove conditions 1A and 1B relating to occupancy	Berwyn View Trelydan Welshpool Powys SY21 9HL
	Approve	26/05/2020	20/0759/NMA	Non-Material Amendment	01/06/2020	Application for a non-material amendment to planning approval P/2015/0107 to reposition and re-orientate plot 1 dwelling and garage	Land At Swan Bank Pool Quay Welshpool Powys SY21 9JT

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Consent	23/09/2019	19/1611/FUL	Full Application	22/06/2020	Erection of a restaurant with drive thru facility, car parking, customer order displays and all associated works	Land Adjoining Unit 11 Buttington Cross Enterprise Park Buttington Welshpool Powys SY21 8SL
Refused	16/01/2020	20/0102/FUL	Full Application	01/06/2020	Erection of a dwelling, creation of vehicular access and parking and all associated works	Land At Oldford Cottage Oldford Lane Welshpool SY21 7TE
Consent	05/02/2020	20/0152/FUL	Full Application	22/05/2020	Alterations to external steps by reduction in height of wall, addition of metal rail with balustrades, new steps with rail to garden and formation of patio	The Granary Whitton Knighton LD7 1NP

Whitton
Community

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Consent	05/02/2020	20/0153/LBC	Listed Building Consent	22/05/2020	Listed building consent for alterations to to external wall and steps - reduce height to wall, addition of metal rail with balustrades, new steps with rail to garden and new patio	The Granary Whitton Knighton LD7 1NP
Approve	01/04/2020	20/0551/REM	Removal or Variation of Condition	19/06/2020	Section 73 application to vary condition of planning permission B3393 in relation to holiday letting	Heronstone Holiday Retreat Ystrad Isaf Farm Station Road Ystradgynlais SA9 1PJ
Approve	28/04/2020	20/0669/HH	Householder	12/06/2020	Erection of a first floor rear extension	94 Wind Road Ystradgynlais SA9 1AH
Approve	01/05/2020	20/0692/HH	Householder	23/06/2020	Retention of outbuilding and proposed two-storey extension to house	35 Ynyscedwyn Road Ystradgynlais SA9 1BH
Refused	22/02/2018	P/2018/0223	Outline planning	26/05/2020	Outline - Erection of 1 x residential dwelling	Heol Saint Cynog Ystradgynlais Swansea SA9 1AH

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/05/20

gan C MacFarlane BSc(Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.06.2020

Appeal Decision

Site visit made on 19/05/20

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 01.06.2020

Appeal Ref: APP/T6850/A/19/3239758

Site address: Land near to Tyn y Celyn Farm, Llangedwyn, Llanfechain, Powys SY10 9LN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Tom Cox (Tom Cox Ltd) against the decision of Powys County Council.
- The application Ref 18/1192/FUL, dated 6 December 2018, was refused by notice dated 13 August 2019.
- The development proposed is described as construction of a manege for private equestrian use and change of use of an agricultural building to equestrian use.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development proposed has been amended by the Council, with the agreement of the appellant, to 'construction of a manege for equestrian use and change of use of an agricultural building to equestrian use at Land Near to Tyn Y Celyn Farm, Llangedwyn, Llanfechain, Powys SY10 9LN'. This reflects the description contained within the Council's decision notice and the appeal form. I consider this to be a more accurate description of the proposal and have determined the appeal on this basis.
3. The appellant's submission states that the building is currently being used to provide accommodation for horses, which I observed at the time of my visit. I also noted that construction of the manege has not commenced.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site is an agricultural building of modern construction and part of the adjoining field, which would accommodate the proposed manege. The remainder of the field, the large area of hardstanding around the building and the vehicle access lie

outside of the appeal site. The surrounding area is predominantly agricultural fields and a small number of scattered properties, which gives it an inherently rural character. This is reflected in the surrounding highway network, with the roads to and from the site being single vehicle width, and without formal passing bays, for a considerable distance in both directions. Opportunities for traffic to pass are limited, and largely rely on a small number of private property and field access points being used as informal places for vehicles to pull in. Except for a limited section of the unclassified road to the site boundary, forward visibility is also generally restricted.

6. The routing plan proposed by the appellant would see all vehicles access the site from the village of Llanfyllin, via two road junctions which the Highway Authority considers to be severely constrained. Due to the restricted visibility, width, gradient and alignment of the junctions, and the surrounding roads, I do not disagree with the Council's assessment of the network.
7. The proposal would introduce a commercial use to the site, by enabling specialist training to be provided for visiting clients, and it would provide accommodation for the appellant's horses. The information provided in section 3 of the appellant's Transport Statement identifies that the vast majority of existing vehicle movements are related to the appellant travelling to three livery yards to tend to horses currently stabled elsewhere. Although the proposal might remove the appellant's need to travel to several separate locations in the wider area, there is a lack of evidence to demonstrate that these movements occur, and are required to occur, to or from the appeal site. In particular, I note there is no residence attached to the site and there is nothing that identifies the location, distance or direction of these journeys or how they compare directly to likely travel movements to the appeal site, if at all. I therefore give this little weight. The Transport Statement accounts for an additional 6 return journeys per week for transporting horses from the site for training at other locations. On the basis that the fields around the site could lawfully be used for grazing horses and that transportation to training facilities elsewhere could occur regardless of whether the development is approved, I accept that the proposal might remove the need for some of these journeys. Nonetheless, the evidence is not quantified by information on the number of horses used for training purposes, where they are kept e.g. grazed at the site or in current livery arrangements, and how this relates to the number of training lessons that are currently provided remotely from the appeal site and requiring transportation of horses from the land.
8. The Transport Statement anticipates a maximum of three lessons per week being carried out at the site, with an annual average of one return journey per week, based on the premise that lessons will take place flexibly with no lessons taking place in some weeks. However, there is no certainty that this will be the case and the scope of the proposal provides for a maximum of 3 lessons a week. I have assessed it on this basis. It is therefore likely that journeys to the site by clients will be in excess of the figures given in the Transport Statement. In addition, the 1 x groom visits are limited to 5 visits a week whereas there will invariably be a need for daily visits to provide adequate horse care. The evidence also doesn't account for other trips, for example such as those likely to involve the appellant, vets, farriers and equine food deliveries. I have no information as to the number of trips generated by the lawful agricultural use, but it is entirely reasonable to conclude that the nature of a commercial equine use involving clients, visitors and delivery traffic would result in a significantly greater use of the substandard highway. With regard to the number of lessons to be provided, there is also no substantive evidence to suggest this figure could not increase in the future if the business were to expand or alter. I note the appellant's intention to retain the business as a specialist enterprise, however there is no

guarantee that any future occupiers of the site would follow this pattern. The proposal would therefore potentially allow for a greater level of activity at the site than currently intended, with unrestricted numbers of vehicle movements from those visiting or working there.

9. I have given consideration to restricting the number of lessons through the use of a condition, however, this would not necessarily restrict the number of vehicles associated with each lesson, nor would it restrict other vehicle movements which may be associated with a business, such as employees, deliveries and other visitors.
10. With regard to use of the existing site access, the position of the gate would result in larger vehicles overhanging the highway when entering or exiting the site. Given the restricted width and visibility of the roads approaching the site, this would increase the risk of collision and therefore be detrimental to highway safety. I acknowledge there is sufficient space available within the appellant's adjoining land to enable the creation of a new vehicle access to the site, which may overcome these concerns. However, the creation of a new access would be a significant alteration to the proposal, and the details of such an arrangement have not been provided as part of the application process. The use of a condition to secure such details at a later date would not allow proper consultation and consideration of the effects of such an amendment to be carried out and would therefore be an unacceptable approach in this instance.
11. Regarding the potential use of the site for other agricultural uses, including intensive poultry production, there is a lack of evidence to demonstrate that the appellant intends to pursue such a use in the event of the appeal being dismissed. Furthermore, the dimensions and design of the building would limit the ease with which it could be adapted for such a use, particularly at the scale of operation suggested in the Transport Statement. Therefore, although such a use may be possible within the site, I afford it little weight as a fall-back position.
12. In summary, the proposal would represent an intensification of use of the appeal site from its existing lawful agricultural use to a commercial equestrian use, and allow an unrestricted increase in vehicles using the sub-standard roads and junctions in the immediate area. Along with the increased use of the inadequate existing access, this would result in an increase in conflicting vehicle movements and vehicles reversing along the highway in order to pass, which would negatively affect the efficient operation of the highway network and increase the risk of collision.
13. I therefore conclude that the proposal would cause significant harm to highway safety and would not comply with Policies T1 and DM13 of the Powys Local Development Plan 2011-2026 (LDP) which, amongst other things, require developments to avoid detrimental impacts on highway safety and to ensure the safe and efficient flow of traffic for all users.

Other Matters

14. I acknowledge there are potential benefits of the proposal with regard to the local economy, and to the appellant's business, and accommodating the horses in a single location. However, these should be balanced against other considerations and would not outweigh the significant harm identified above and the resultant conflict with the LDP.
15. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act). I have taken into account the ways of working set out

at section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 02/03/20

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.04.2020

Appeal Decision

Site visit made on 02/03/20

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 16.04.2020

Appeal Ref: APP/T6850/A/19/3241530

Site address: Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown SY16
3LA

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gareth Woosnam of WG and DE Woosnam against the decision of Powys County Council.
 - The application Ref: P/2018/0470, dated 29 April 2018, was refused by notice dated 23 May 2019.
 - The development is the proposed erection of a free range poultry unit (egg production), erection of feed bins, creation of vehicular access and all other associated works (resubmission within 12 months).
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs was made by the appellant against the Local Planning Authority (LPA). This application is the subject of a separate Decision.

Procedural and Preliminary Matters

3. The appellant has raised in evidence matters relating to The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2016. However, as such matters lie beyond the scope of an appeal submitted under Section 78 of the aforementioned Act and are therefore beyond my jurisdiction in determining this appeal, I shall not conclude on such matters.
4. The description of development set out above, as taken from the planning application form¹, describes the scheme as a "*resubmission within 12 months*" of an application for the "*proposed erection of a free range poultry unit (egg production), erection of feed bins, creation of vehicular access and all other associated works*". Nevertheless, the evidence submitted as part of the appeal also includes references to previous schemes. For the avoidance of any doubt, my jurisdiction in determining this appeal is

¹ Planning Application Ref: P/2018/0470

confined solely to the scheme determined by the LPA under planning application Ref: P/2018/0470.

5. The Council has found the general principle of the proposed development to be in broad compliance with the adopted development plan, as well as national policy set out in Planning Policy Wales (Edition 10, 2018) and Technical Advice Note 6: *Planning for Sustainable Rural Communities* (2010) (TAN6). As I have no reason to come to a different conclusion on such a matter, I shall confine my reasoning to the principal matters of dispute. In concluding on such matters, however, I shall pay particular attention to the weight that should be attributed to the need and positive benefits of the scheme, as well as any lawful fall-back position that might be relevant.

Main Issues

6. These are: the effect of the proposed development upon highway safety, having particular regard to the suitability of the local highway network, the need and positive benefits of the scheme and any fall-back position that might be relevant; and whether the development would make satisfactory provision for foul drainage.

Reasons

7. The appeal relates to an area of land located approximately 1.3 km to the north-east of Newtown in Powys. The land is in agricultural use and forms part of the existing agricultural holding at Upper Gwestydd. The appeal proposal seeks full planning permission for the erection of a 32,000 free range poultry unit for the purposes of egg production, the erection of feed bins, provision of a new vehicular access into the appeal site and other associated works. The proposed poultry unit would be located to the south-east of the existing farmhouse and associated farm buildings and would measure approximately 140 metres in length by some 20 metres in width. The overall ridge height would amount to some 5.9 metres, with the proposed feed bins standing at approximately 8.2 metres.

Highway Safety

8. The proposed development would be accessed via the U2621 which represents a no through road leading from the classified C2011 county road north of Newtown. I was able to observe at the time of my site inspection that the U2621 is constrained by its width and availability of adequate passing bays. The appeal proposal seeks to mitigate such concerns through the provision of two '*Formal Passing Bays*'. Nevertheless, it is my view that the scheme would still be over-reliant upon the existing '*Informal Passing Bays*'² which, by virtue of their scale, siting and form, fail to mitigate the aforementioned constraints and provide satisfactory refuge for the safe passing of vehicles. Indeed, I was able to experience at the time of my site visit the need to reverse reasonable distances when met by on-coming vehicles, including at times when rear visibility was obscured by reason of the vertical alignment of the highway. In addition to such concerns, I concur with the Highway Authority's assessment that, given the close proximity of proposed '*Formal Passing Bay No. 1*' to the proposed access into the appeal site, it would have limited benefit in terms of highway safety.
9. I recognise the appellant's arguments that the number of vehicular movements to the site would be relatively modest. Specifically, the evidence indicates that the delivery and removal of birds would be at the beginning and end of a 14 month cycle by articulated lorry, with egg collections taking place twice per week and feed delivered

² As referred in the appellant's evidence

twice per fortnight. Manure would be largely dealt with within Upper Gwestydd, although part time staff may be necessary, particularly during periods of high labour demand such as during lambing season. Nevertheless, having regard to the details of such movements, there is little doubt in my mind that the development would represent an intensification of use of the highway network relative to the existing operations at the site, with the size of the necessary vehicles not insignificant. It is for these reasons that I consider there to be little doubt that the development would exacerbate already challenging highway conditions along the U2621.

10. I have not seen anything to indicate that the proposed access from the site onto the U2621 would cause material harm. Nevertheless, I share the Council's concerns in respect of the junction between the U2621 and C2011. Specifically, I was able to observe at the time of my site visit serious issues in respect of its alignment, width, radii and visibility. In particular, a safe right turn to join the C2011 from the U2621 would be difficult to achieve in any vehicle, with such concerns clearly exacerbated for Heavy Goods Vehicles (HGV). Vehicles needing to undertake manoeuvres to egress from that junction, or needing to cross the centreline of the C2011, would also represent a significant risk to public safety. Similar concerns would also arise should vehicles attempt to access the U2621 from the C2011 when travelling from a northerly direction. I recognise the fact that the appellant proposes that a planning condition be imposed, and signage installed, to direct traffic to turn left from the U2621 onto the C2011 towards Newtown and for a no left turn onto the U2621 from the C2011. However, such a requirement could be particularly onerous for vehicles wishing to travel from or in a northerly direction towards Llanfair Caereinion.
11. Notwithstanding such matters, whilst the appellant contends that visibility in a southerly direction from the U2621 would be adequate, it would appear that such assertions are based upon a contribution being made by the appellant towards the cost of signage and the provision of double white lines to prevent on-coming vehicles overtaking. The appeal proposal is not accompanied by a planning obligation to effectively make provision for such a contribution and, in any event, I have not seen anything to persuade me that such measures would satisfy the overall highway safety concerns. Indeed, given that overtaking movements could still be undertaken along the C2011 with such restrictions in place, I concur with the LPA's contention that the use of double white centre lines should not be used as an alternative to the provision of adequate junction visibility. I do not, therefore, consider that such proposals represent a satisfactory design solution. In coming to this conclusion, I have been particularly mindful of the fact that vehicles driving in a northerly direction along the C2011 would be unlikely to have sufficient forward visibility to see waiting vehicles at the U2621/ C2011 junction.
12. I note the fact that access to the appeal site could potentially be provided via the U2620. However, as this does not form the route proposed in the scheme considered by the Council under planning application Ref: P/2018/0470, I do not consider that it would be appropriate for me to conclude on such matters in the context of this appeal. I therefore conclude that the proposed development would intensify the operations at the appeal site and thereby exacerbate already challenging highway conditions. Indeed, for the aforementioned reasons, I consider that the development would represent a material threat to highway safety. The development would therefore run counter to the aims of Policy DM13 of the adopted Powys Local Development Plan 2011-2026 Written Statement (adopted April 2018) (LDP) which, amongst other things, seeks to ensure that development proposals have been designed to minimise the impacts on the transport network whilst ensuring highway safety for all transport

users is not detrimentally impacted upon. It would also conflict with the general thrust of LDP Policy T1 which relates to travel, traffic and transport infrastructure.

13. There is no doubt in my mind that the proposed development would represent a form of *'farm diversification'* which is generally supported by both local and national policy. Indeed, Technical Advice Note 18: *Transport* (2007) (TAN18) states that: "*Local Authorities should adopt a positive approach to development associated with farm diversification in rural areas*"³. The development would also bring significant financial benefits to the appellant and his family and would undoubtedly have a positive knock-on effect for the wider rural economy. Indeed, the development would help retain existing agricultural workers and create farm jobs, whilst also creating sub-contracting opportunities and construction work. Such matters clearly weigh in favour of the development from an economic development perspective. Nevertheless, such matters need to be considered within the wider context of the planning policy framework which, at both a local and national level, provide a presumption against development that would represent a material threat to highway safety. Indeed, in undertaking such a balancing exercise, there is no doubt in my mind that the risk to highway safety in this case significantly outweighs the need and positive benefits of the scheme.
14. Much of the appellant's arguments revolve around the fact that the traffic movements associated with the proposed development should be considered as part of a *'trade-off'* with the previous dairy operation at Upper Gwestydd. However, whilst the evidence indicates that a 35 head dairy operation formerly existed, it ceased at some point between 1977 and 1994. Having regard to the passing of time and the scale of this operation, I do not consider that such matters weigh significantly in favour of the development proposed in this case. Indeed, no evidence has been submitted to indicate that a modern milking parlour capable of producing enough milk to require the level of vehicular movements cited in the appellant's evidence exists. I therefore consider it to be relatively unlikely that such traffic movements would occur in relation to such a use without a material change in circumstances. I therefore disagree with the appellant's contention that a dairy operation of the scale referred in the evidence could be brought back into use with *'minimal effort'*.
15. It is well-established in law that an alleged fall-back position such as that proposed in this case should be considered within the context of the likelihood of such a use resuming should the appeal be dismissed. In this respect, I have not seen anything to persuade me that a significant dairy operation would be imminent should planning permission for the proposed development be withheld. Indeed, the period of time since the dairy operation ceased is significant, with the appellant's own evidence frequently referring to it as an *'historic'* dairy use. Furthermore, it is relevant to note that a letter from the appellant's own transport consultants⁴ indicates that the appellant has no intention of reinstating the dairy operation. I do not, therefore, consider the historic dairy use to weigh heavily in favour of the development.
16. For the avoidance of any doubt, I have fully considered the wider agricultural use of Upper Gwestydd which includes the keeping of a herd of approximately 40 commercial suckler cows, together with an established flock of commercial sheep for lamb production. However, as I have not been provided with anything to indicate that such existing agricultural operations would cease to subsist should the appeal be allowed, I do not consider such factors to justify the proposed development. In fact, the *'Appeal Statement on behalf of the Appellant'* indicates that the proposed poultry enterprise

³ Paragraph 3.14

⁴ SK Transport Planning Ltd, dated 13 February 2019

would support the existing beef and sheep enterprises and that such uses would integrate well together. It therefore remains a real possibility that the vehicular movements associated with the existing use of Upper Gwestydd would continue alongside any movements associated with the proposed use should the appeal be allowed. It would not, therefore, be reasonable to off-set the proposed vehicular movements against existing operations.

17. I have considered all other matters raised, including the other planning decisions cited within the appellant's evidence. However, I have not seen anything to indicate that the appeal proposal has the exact same set of circumstances as the other proposals referred therein. Notwithstanding this, it is clear that many of the other schemes referred⁵ were found to be acceptable in highway safety terms, thus materially differentiating them from that proposed in this case. Other appeal decisions, including Appeal Ref: 2228984, indicate that the extent of the shortfalls in terms of highway design are not as severe as that proposed in this case. In any event, it is a well-established principle of planning that each case should be treated on its own particular planning merits and it is on this basis that I have considered the issues raised through this appeal. The other planning decisions referred within the evidence do not, therefore, lead me to alter my overall conclusions in this case. Similarly, given that the proposed use is yet to have been implemented, I do not consider the lack of evidence of any personal injury accidents to weigh materially against the proposal.

Drainage

18. The Council contends that insufficient information has been provided to adequately ensure that the quality of surface and ground waters would not be adversely affected by the proposed development, having particular regard to the provision of foul drainage. Specifically, the Council notes the fact that Policy DM13 of the adopted LDP states, amongst other things, that adequate utility services exist or will be provided readily and timely without unacceptable adverse effect on the surrounding environment and communities. Consistent with Welsh Government Circular 008/2018: *Planning requirements for private sewerage in new development* (WG Circular 008/2018), the reasoned justification to the LDP also states that all new development should be connected to the public foul sewerage system and that development will not be permitted unless foul sewers and sewerage treatment works of adequate design and capacity are available or will be provided in time to serve the development.
19. No details have been submitted to confirm connection to the existing mains sewer and no details have been provided of a localised treatment facility or septic tank. Indeed, there is also no evidence to indicate that there has been an assessment of the feasibility of such options, including the necessary assessment of mains capacity or ground conditions. Without such information, I concur with the Council's assessment that the provision of such a facility would run counter to the general thrust of both the adopted development plan and the advice contained within WG Circular 008/2018. Nevertheless, the appellant's appeal submissions are clear that the provision of a toilet is not essential given that such facilities are already available at existing buildings in the vicinity. As such, and bearing in mind the fact that the provision of such a facility could be prevented through the imposition of a suitably worded planning condition, I do not consider that such an issue should be decisive in this case.

⁵ Including Appeal Ref: 3154472 and Appeal Ref: 3208119

Overall Conclusions

20. Despite finding that the concerns relating to drainage could be satisfactorily addressed through the use of planning conditions, I have found that the development would intensify the operations at the appeal site, exacerbate already challenging highway conditions and represent a material threat to highway safety. As such harm and associated policy conflict would not be outweighed by the need and positive benefits of the scheme, or indeed be justified by any lawful fallback position, I consider such a matter to amount to a compelling reason why planning permission should be withheld in this instance. For this reason, and having considered all matters raised, I conclude that the appeal should be dismissed.
21. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have also taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 02/03/20

gan Richard E. Jenkins BA (Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 16.04.2020

Costs Decision

Site visit made on 02/03/20

by Richard E. Jenkins BA (Hons) MSc
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 16.04.2020

Costs application in relation to Appeal Ref: APP/T6850/A/19/3241530

**Site address: Upper Gwestydd, Upper Gwestydd Lane, Cefn Mawr, Newtown,
SY16 3LA**

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6.
 - The application is made by Mr Gareth Woosnam of WG and DE Woosnam for an award of costs against Powys County Council.
 - The appeal was against the refusal of planning permission for the proposed erection of a free range poultry unit (egg production), erection of feed bins, creation of vehicular access and all other associated works (resubmission within 12 months).
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Decision

1. The application for an award of costs is refused.

Reasons

2. Welsh Government (WG) guidance relating to an award of costs, in the form of the WG Development Management Manual (DMM) and the associated Section 12 Annex: *Award of Costs* (May 2017) (Annex 12) advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for an award of costs to incur unnecessary or wasted expense in the appeal process.
3. In this case, the applicant contends that the Council failed to have due regard to the fact that the development would represent a form of farm diversification which is generally supported by national policy. It is also contended that the Council's concerns in respect of highway safety were unwarranted and that such impacts would be negligible given the proposed mitigation measures and the former dairy operations at the appeal site. Nevertheless, such matters have been addressed in full as part of the Appeal Decision and, having regard to the findings of that Decision, I do not consider such substantive arguments to justify an award of costs.
4. It is clear from the available evidence that the applicant has been in negotiations with officers of the Council in an attempt to find an acceptable scheme. The details of those negotiations appear to indicate that a variety of options have been considered over a long period of time, including those discussions that took place in respect of a previous

application¹. However, whilst such negotiations have resulted in a significant period of time elapsing without a positive recommendation, I have not seen anything to indicate that the Council's behaviour during the processing of planning application Ref: P/2018/0470 has been unreasonable. Indeed, the evidence indicates that the highway safety concerns were a constant theme throughout the negotiations and, despite indicating that it would consider the historic dairy use, I consider that the Council was within its rights to conclude upon receipt of all of the necessary information that such an operation did not weigh heavily in the planning balance.

5. Based on the foregoing analysis, and having considered all matters raised, I conclude that unreasonable behaviour has not been satisfactorily demonstrated and that an award of costs is not justified in this instance. The application for an award of costs should therefore be refused.

Richard E. Jenkins

INSPECTOR

¹ Planning Application Ref: P/2016/0881



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/02/20

gan H C Davies BA (Hons) Dip UP MRTPI
Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 01.04.2020

Appeal Decision

Site visit made on 28/02/20

by H C Davies BA (Hons) Dip UP MRTPI
an Inspector appointed by the Welsh Ministers
Date: 01.04.2020

Appeal Ref: APP/T6850/A/19/3243499

Site address: land at Abernant Lakeside Cottage, Llanwrtyd Wells, Powys LD5 4RR

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Grimes against the decision of Powys County Council.
 - The application Ref 19/0200/FUL, dated 01 February 2019, was refused by notice dated 06 December 2019.
 - The development proposed is 'erection of a holiday let and all associated works'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the Council's descriptions for the development and the appeal site as taken from the decision notice and subsequently used in the appeal form, as they are more accurate.

Main Issue

3. This is whether the development would comply with national and local planning policies relating to development in areas at risk of flooding.

Reasons

4. The appeal relates to an area of land located immediately adjacent to Lakeside Cottage, just south of Abernant Lake and north of the River Irfon.
 5. Planning Policy Wales, Edition 10 (PPW), aims to reduce environmental risk. Paragraph 6.6.22 states that "Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers." Paragraph 6.6.25 further says that "Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself."
 6. The appeal site falls entirely within Zone C2 as defined on the Development Advice Maps that accompany the Welsh Government's Technical Advice Note 15 "Development and Flood Risk" (TAN 15). Zone C2 is described as areas of the
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floodplain without significant flood defence infrastructure. As the development proposed is a residential premise it also represents highly vulnerable development for the purposes of that document. Paragraph 6.2 of TAN 15 advises that in Zone C2 'highly vulnerable development' should not be permitted. As such, the development is contrary to national policy.

7. I note that a Flood Consequences Assessment (FCA) has been provided. However, TAN 15 is clear that justification and acceptability tests do not apply to highly vulnerable development in Zone C2. In any event, whilst the FCA indicates that a raised building on stilts with a finished floor level of 189.60m AOD would be 300mm above the estimated 1:100 year fluvial event flood levels, flood depths in external areas of the site will still be in excess of the 300mm. Notwithstanding the lack of modelling data available from Natural Resources Wales (NRW) there is also little information on predicted flood velocities or the speed of inundation. The FCA also indicates that occupants would remain in the building in the event of a flood but there is no information on flood risk to the access and egress routes to the development, which are also in Zone C2. Moreover, NRW has concerns with the difficulty of maintaining free passage of water beneath the development. A condition is suggested to overcome this but in the absence of any substantive detail to demonstrate how the voids would be maintained and managed I do not know if this would be an acceptable resolution. In the circumstances, it has not been demonstrated that the risks from flooding can be managed to an acceptable level. I note the appellant's comments regarding the accuracy of NRW's flood probability model and the suggestion that there is no historic record of flooding to the site. However, NRW has verified that flood map information confirms the site to be within the 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Irfon, a designated main river.
8. I conclude that the proposal would result in an unacceptable risk of flooding and would represent a clear departure from national planning policy set out in PPW and TAN 15. For the same reasons, it would conflict with the flood risk objectives of Policy DM5 of the Powys Local Development Plan 2011-2026.
9. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and building resilient communities.

Conclusion

12. For the aforementioned reasons, and taking into account all matters raised, I conclude that the appeal should be dismissed.

HC Davies

Inspector



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 27/02/20

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.04.2020

Appeal Decision

Site visit made on 27/02/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.04.2020

Appeal Ref: APP/T6850/A/19/3243827

Site address: 24 Palleg Road, Lower Cwmtwrch, Swansea SA9 2QE

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Gareth Thomas against the decision of Powys County Council.
 - The application Ref 19/1187/FUL, dated 22 July 2019, was refused by notice dated 21 November 2019.
 - The development is proposed demolition of existing property and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is occupied by a traditional double frontage detached dwelling on the eastern side of Palleg Road. It is of relatively simple appearance with its hipped roof and external rendered walls. Whilst the general area is characterised by dwellings of varying design and appearance, the appeal property forms part of a row of houses, which despite having different roof forms, in the main are of a similar scale and have a largely uniform appearance with a common rhythm and pattern of fenestration to the front elevations. Furthermore, the houses generally occupy a central location within the plot and the gaps in built form allow a spacious and pleasant residential character. The modest and consistent character of this group is a distinct feature of this part of the street scene and provide the primary setting in which the proposal would be seen.
4. Policy H9 of the Powys Local Development Plan (LDP) permits a replacement dwelling provided, amongst other things, that it is located within or adjacent to the footprint of the former habitable dwelling and reflects the form, size and scale of the former habitable dwelling unless there are demonstrable planning advantages to be gained from deviating from the former dwelling's orientation, position or size. It also states

that a replacement dwelling should respect or enhance the design of the original dwelling and those of surrounding properties and the locality. Policy DM13 requires, amongst other things, that proposals demonstrate good design and have regard to the qualities and amenity of the surrounding area.

5. Whilst the principle of a replacement dwelling in this location is acceptable and the proposal would lie in part on the footprint of the existing dwelling, the proposed replacement dwelling would be substantially larger than the original dwelling. The ridge height of the proposed dwelling would be taller than the existing dwelling and the dwelling would also be far wider. This substantial bulk would be readily apparent in views from Palleg Road and compared to the modest scale of the adjacent properties, the resultant dwelling would be overbearing in scale. Furthermore, its elevated position would afford it a prominence that would draw the eye of people using the road which would exacerbate the identified harm. Given that the dwelling would be sited within a spacious plot, it would not represent over development of the site and being set back in the plot is not of any particular concern to me. However, the dwelling would extend across most of the width of the plot, considerably reducing the space between No.24 and No.22 and contribute towards eroding the spacing and separation between the properties that is a key attribute of the character of this group of dwellings.
6. The appeal proposal differs from the existing property in design and appearance. Its front elevation, in particular, would be completely at odds with neighbouring residential properties. I noted that houses in Palleg Road consist of a range of finishes, however, in the main these have stayed consistently within a limited palette of finishes and colour. This proposal, however, would fundamentally alter the appearance of the street scene as it is proposed to finish the front elevation in natural stone cladding panels. Furthermore, the proposal involves wide glazed openings incorporating horizontal proportions, contrary to the vertical context set by the fenestration of the host and adjacent properties, and a half-hipped roof, which, by virtue of its scale and design, would be an insensitive roof form that would be out of character with the prevailing roofs seen on the surrounding properties. Overall, the front elevation is not reflective of the scale, proportion and articulation of the original dwelling as required by policy and this elevation is prominent to the roadside and would be at odds with the traditional form of building it replaced. The consequence would be that the continuity of the traditional character of this row of houses would not be reflected in the proposal and although these effects would be localised to a small part of the overall street scene, they would nevertheless result in significant visual harm.
7. I conclude that the proposal would not reflect the form, size or scale of the dwelling it would replace and by reason of its scale and design would harm the character and appearance of the area. Furthermore, it has not been demonstrated that there are planning advantages to be gained from deviating from the former dwelling's position or size. It therefore conflicts with Policies H9 and DM13 of the LDP.

Other Matters

8. Having regard to the appellant's reference to the development opposite the Cwmpbil Road-Palleg Road junction, which I viewed on my site visit, it is sited within a row of dwellings of varying design and appearance, which differentiates it from the case before me and has not therefore had any significant influence on the area's character or the individual context of the appeal property to warrant the identified harm.

9. I have also taken into account the appellant's contention that a substantial amount of development could be carried out as permitted development and which represents a fall-back position. However, I have no substantive evidence before me that there is a high probability that this would occur in this instance or that it would have a similar or greater impact on the character of the area than the proposal for a large independent detached house. As such I give this consideration limited weight.

Conclusion

10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives set out in section 8 of the WCFG Act.

11. For the above reasons, I conclude that the appeal should be dismissed.

H C Davies

INSPECTOR

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Penderfyniad ar yr Apêl

Ymweliad safle a wnaed ar 12/05/20

gan Hywel Wyn Jones BA(Hons) BTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 28.05.2020

Appeal Decision

Site visit made on 12/05/20

by Hywel Wyn Jones BA(Hons) BTP
MRTPI

an Inspector appointed by the Welsh Ministers

Date: 28.05.2020

Appeal Ref: APP/T6850/A/20/3244554

Site address: Land Adjacent to Lawr y Cwm, Pantyffridd, Berriew, Welshpool, SY21 8BN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss J Haycock against the decision of Powys County Council.
 - The application (ref: 19/0201/FUL), dated 1 February 2019, was refused by notice dated 6 August 2019.
 - The development proposed is the erection of an affordable dwelling, garage, improvements to existing vehicular access, installation of a package treatment plant and associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for an affordable dwelling, garage, improvements to existing vehicular access, installation of a package treatment plant and associated works at Land Adjacent to Lawr y Cwm, Pantyffridd, Berriew, Welshpool, SY21 8BN in accordance with the terms of the application, ref: 19/0201/FUL, dated 1 February 2019, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Main Issue

2. The main issue is whether the proposed location of an affordable dwelling is acceptable having regard to the rural restraint strategy of local and national planning policy.

Reasons

3. The proposed two-storey, three bedroomed dwelling and detached garage would be sited within a corner of a small field fronting the B4390 highway and adjacent to Lawr y Cwm, which is a recently erected dwelling and outbuilding which appears to have been erected on land that was previously part of the same enclosure. The area is rural in nature with the wider surroundings generally characterised by fields and pockets of woodland with sporadic buildings, including dwellings and farmsteads.
4. To one side of the field, on the same side of the road, lies a small cluster of generously spaced dwellings and outbuildings which mostly front the highway. On the

opposite side of the highway to this group and the appeal site lie open fields. To the other side of the appeal site there are rows of more closely spaced dwellings fronting both sides of the road which include the neighbouring Lawr y Cwm as well as a small church and a well-maintained former telephone kiosk. The Council accepts that the proposed development would form a logical extension to the existing built form and would not have an adverse impact upon the character and appearance of the area.

5. Much of the housing in the settlement is fairly recent, and includes several that were granted planning permission as affordable or local need housing. These permissions were approved under the Powys Unitary Development Plan (UDP) which has since been superseded on adoption by the Council of its Local Development Plan (LDP). The LDP establishes a spatial distribution of new housing in accordance with its settlement hierarchy and indicates that rural settlements and the open countryside should account for no more than 15% of new development.
6. Policy H1 provides that in rural settlements affordable housing for a single dwelling in accordance with policy H6 may be permitted. There is no dispute that the 2 criteria of policy H6 can be met and that the appellant's personal circumstances means that she complies with its eligibility criteria for an affordable home. The reasoned justification for the policy explains that it "aims to help sustain rural communities and retain people in their local communities by allowing the development of small scale affordable homes to meet local identified housing need".
7. As the types of housing permitted by H1 in the open countryside do not include affordable housing, consideration of whether Pantyffridd is a rural settlement is at the heart of establishing whether the scheme complies with the housing strategy of the Plan.
8. The UDP identified Pantyffridd as a rural Settlement. The LDP does not list Rural Settlements, rather they are to be identified using characteristics set out in the reasoned justification to the LDP Strategy at paragraph 3.2.23. There is no doubt that the first of these is met, given that it is a historically recognised/named settlement. I shall consider the second requirement, which relates to the number of dwellings, against the qualification in the third bullet point of that paragraph.
9. The second characteristic is that a settlement must contain at least 10 closely grouped dwellings not counting farmhouses, rural conversions or dwellings originally granted for local need/affordable or agricultural/rural occupancy. Adopting this approach, the Planning Officers report records that of the 15 dwellings within the main cluster, there were only 9 'qualifying' dwellings. Of the remainder, 4 were granted permission as local needs dwellings subject to an occupancy condition/section 106 clause, and 2 dwellings were given a personal consent.
10. In response the appellant has carried out a detailed investigation into the status of each of the 15 dwellings within the main cluster and the outlier cluster to the northwest. In the main cluster it identified 10 qualifying dwellings. Of these, one (Talafof) is recorded as having a bungalow (annotated 'Talafof Annex' on the supplied copy of the permission) which is subject to an occupancy condition. A copy of the Section 106 agreement shows (both in its title and a location plan) the site to be between Talafof and Brynafof on land that remains a gap between the 2 dwellings. The Council has not taken the opportunity to dispute, or otherwise comment on these findings and, thus, I have no reason to dispute their veracity. Accordingly, I find that Pantyffridd is a Rural Settlement without the need to consider whether the smaller cluster of 7 dwellings, which include 3 qualifying dwellings, constitute part of the same settlement.

11. On the main issue I conclude that, as the appeal site is well integrated in relation to a Rural Settlement, it accords with the LDP's settlement hierarchy and with policies SP5, SP6 and H1, and the Council's Affordable Housing Supplementary Planning Guidance. It follows that the proposed affordable dwelling is therefore acceptable having regard to the rural restraint strategy of local and national¹ planning policy.

Conditions

12. I have considered the conditions suggested by both parties in the light of Circular 016/2014: The Use of Planning Conditions for Development Management. To avoid repetition and unnecessary requirements I have not included some of the highway and landscaping conditions suggested noting that, in relation to the former, the Highway Authority can exercise suitable control of some of the matters under its powers. As the details of the access are also shown on the approved drawings specific conditions specifying details are not necessary. I have also omitted some suggested requirements which I consider excessive to cater for the traffic associated with a single dwelling. The location of the proposed new access means that it is not necessary to require the stopping up of the existing access.
13. To ensure that the dwelling remains affordable I agree that removing permitted development rights is reasonable in this instance, however, as permission is granted in full specifying the maximum floor area is not necessary. As the external materials are shown on the submitted plans, I shall not require approval of samples. Given the steep topography of the site I consider that it is necessary to agree ground and finished floor levels before commencing work to ensure no adverse visual impact on the surrounding landscape.

Conclusions

14. I have taken into account all other matters raised in reaching a finding that the scheme is acceptable and thus I shall allow the appeal
15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Hywel Wyn Jones

INSPECTOR

¹ Planning Policy Wales (10th Edition, 2018) and Technical Advice Note (TAN) 6: Planning for Sustainable Rural Communities (2010)

Schedule of Conditions

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) The development shall be carried out in accordance with the following approved plans and documents: KI 5382 1 REV A, KI 5382 2, KI 5382 3, KI 5382 4B, KI 5382 5B, KI 5382 6, KI 5382 7, KI 5382 8.
Reason: To ensure that the development is carried out in accordance with the approved drawing and other details submitted during the application.
- 3) Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of Technical Advice Note 2 or any future guidance that replaces it. The scheme shall include:
 - i) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - ii) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
Reason: To ensure the occupation of the dwelling remains affordable in line with LDP policies H1 and SP3.
- 4) No development shall commence until details of existing and proposed ground levels and proposed finished floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure the occupation of the dwelling remains affordable in line with LDP policy DM4.
- 5) Any entrance gates shall be set back at least 5 metres from the nearest edge of the adjoining carriageway and shall be incapable of opening towards the highway.
Reason: In the interests of highway safety and in accordance with the provisions of LDP policy DM13 and T1.
- 6) The visibility splays detailed on the approved drawing KI 5382 5B shall be constructed prior to any other work on the site. Nothing shall be planted, erected or allowed to grow on the areas of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
Reason: In the interests of highway safety and in accordance with the provisions of LDP policy DM13 and T1.
- 7) The proposed parking and turning areas shown on drawing KI 5382 4B shall be retained for their designated use for as long as the development hereby permitted remains in existence.
Reason: In the interests of highway safety and in accordance with the provisions of LDP policy DM13 and T1.

- 8) Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- Reason: In the interests of highway safety and in accordance with the provisions of LDP policy DM13 and T1.*
- 9) Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 11 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
- Reason: In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.*
- 10) Upon formation of the visibility splays as detailed in condition 6 above the centreline of any new or relocated hedge should be positioned not less than 1 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
- Reason: In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 and T1.*
- 11) Prior to commencement of development a detailed New Hedgerow Planting Scheme including details of the improvements to the southern (southeast) hedgerow boundary and a Hedgerow Translocation Plan shall be submitted to and approved in writing by Local Planning Authority and implemented and maintained as approved thereafter.
- Reason: In the interests of landscape appearance and to comply with LDP Policies DM2 and DM4.*
- 12) Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
- Reason: In the interests of landscape appearance and to comply with LDP Policies DM2 and DM4.*
- 13) Prior to the commencement of development, a detailed landscaping and tree planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition. The scheme shall be carried out in accordance with the approved details.
- Reason: In the interests of landscape appearance and to comply with LDP Policies DM2 and DM4.*
- 14) No external lighting shall be installed unless a detailed external lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on

nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: In the interests of landscape appearance and local ecology, and to comply with LDP Policies DM2 and DM7.

- 15) Notwithstanding the provisions of schedule 2, part 1, classes A to E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions or buildings shall be erected other than those expressly authorised by this permission. The garage hereby approved shall at no time be converted to habitable residential accommodation.

Reason: To ensure the occupation of the dwelling remains affordable in line with policies H1 and SP3 of the Local Development Plan (2018).



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 28/02/20

gan H C Davies BA (Hons) Dip UP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08.04.2020

Appeal Decision

Site visit made on 28/02/20

by H C Davies BA (Hons) Dip UP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08.04.2020

Appeal Ref: APP/T6850/D/20/3245833

Site address: Bethal House, Bowling Green Lane, Welshpool SY21 7PA

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr M Vaughan against the decision of Powys County Council.
 - The application Ref 19/1409/HH, dated 15 August 2019, was refused by notice dated 11 November 2019.
 - The development proposed is erection of orangery to front elevation.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the development on the character and appearance of the Welshpool Conservation Area (CA) and the setting of nearby listed buildings.

Reasons

Conservation Area

3. The appeal property is a former chapel building previously part of Bethal Chapel situated on the southern side of Bowling Green Lane. The building has undergone a residential conversion retaining its chapel room/vestry appearance. Whilst the building lies to the rear of the Chapel, and its front entrance is on a side elevation, its principal elevation faces onto Bowling Green Lane. A recently built mono-pitch garage partly conceals the site from public view. Immediately adjacent to the appeal site is a small terrace of three storey late nineteenth century brick town houses, Nos 1-3 Park Terrace, which are all listed.
 4. The building is now independent of the chapel in terms of its function, nonetheless, it still reflects its historic use in visual terms. It also responds to the prevailing character and appearance of its surroundings which consists of traditional buildings displaying uniformity of material as well as roof pitches and secondary elements which are of similar design and appearance. As such the appeal building makes a positive contribution to the CA.
-

5. Given its scale and height the development would appear as a subservient addition to the existing dwelling. It would have a shallow pitched roof and whilst external finishing materials are not specified, the appellant has indicated that Upvc will be utilised. However, I consider the introduction of a shallow hipped roof, would be completely at odds with the steeper gable roof profiles of the host building and adjoining chapel, and, in combination with the materials proposed, would introduce a starkly and discordant feature that would have a jarring effect. The effect would be particularly noticeable as the surrounding buildings are characterised, in the main, by traditional materials, the proposal would therefore fundamentally alter the appearance of the street scene. Furthermore, the present building still reflects its historic use, however the orangery is of a design more in keeping with a residential house hence does not respect the character or historic appearance of the host building. Notwithstanding that the garage would partly screen the development from public view, the proposed orangery would be readily perceptible in several private views and would appear prominent in the street scene, when viewed from Bowling Green Lane. I recognise that the proposal has a deliberate lightweight contemporary design, but in this context, it fails to respect the character and appearance of the existing building or the surrounding CA.
6. I conclude that the proposed development would neither preserve nor enhance the character or appearance of the Welshpool Conservation Area, contrary to Policies SP7 and DM13 of the Powys Adopted Local Development Plan (LDP) and the guidance in Planning Policy Wales, Edition 10 and Technical Advice Notes 12 (Design) and 24 (Historic Environment) which seek, amongst other matters, to ensure that development is of a good quality design which respects local character and preserves or enhances the character or appearance of the Conservation Area.

Listed Building

7. The adjacent listed building's main architectural and historical interest lies to its front, nevertheless there is still significant interest to the rear by virtue of the building's roofscape, chimneys, fenestration and brick detailing which are clearly visible from Bowling Green Lane. By reason of its unsympathetic design and predominantly Upvc finish, the proposed addition would adversely alter the imposing elevation of the appeal building which contributes towards the streetscene of Bowling Green Lane and thus the setting of the nearby listed buildings. Whilst I acknowledge that a condition could be imposed regarding external materials, there are limited details before me regarding what materials would be acceptable to the appellant and as I have already explained the predominant use of Upvc irrespective of colour would not be acceptable. In any event, given the sensitivity of the appeal site's location in a CA and its proximity to listed buildings, the external finish is an important material consideration that should be addressed before planning permission is granted.
8. The Council also raised concerns regarding the effect of the proposal on the setting of Christ Church, a grade II* listed building that is partially visible from Bowling Green Lane. However, due to the distance and limited angles of view between buildings I do not consider that the development would adversely affect the setting of the Church.
9. I conclude that the proposal would fail to preserve the setting of the adjacent listed buildings contrary to the objectives of Policies SP7 and DM13 of the LDP which seek to ensure that new development does not have an unacceptable adverse impact on Powys' historic environment designations.

Conclusion

10. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objectives of driving sustainable growth and building resilient communities.
11. For the aforementioned reasons, and taking into account all matters raised, I conclude that the appeal should be dismissed

H C Davies

INSPECTOR

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CYNGOR SIR POWYS COUNTY COUNCIL**PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE**2nd July 2020**REPORT BY: HEAD OF HOUSING & COMMUNITY DEVELOPMENT****SUBJECT: Commons Act 2006, section 19(2)b
Application to correct the register**

REPORT FOR: DECISION

Application 20-001CA to correct a mistake in the Register of Common Land made under Section 19 (2)b of the Commons Act 2006 in the Register unit RCL036, Rights Section entry number 30 concerning Land at Safn Y Coed, Llangurig, Communities of Rhayader and St. Harmon.

Background:

1. Following the launch of The Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017, the Council, as the Commons Registration Authority (CRA) may now correct mistakes in the registers of common land and town and village greens and remove buildings and land wrongly registered. The function is currently delegated to Planning, Taxi Licensing and Rights of Way Committee.

The application:

2. Application 20-001CA was made by Mr D Morgan, of Safn Y Coed, Llangurig, Llanidloes, SY18 6RY (the applicant). The application was received on 16 January 2020 and was assessed as having been duly made. A copy of the application can be found at appendix A.

3. The application contends that an area of land, as shown coloured blue on the plan found at appendix B and forming part of the holding known as Safn y Coed on the date of registration, was mistakenly omitted from the CR Form 9 application. Due to this, the land was not included in the particulars of land to which the right is attached in column 5 of entry number 30 of the Commons Register Unit RCL036 known as Grange of Cwmteuddwr, Manor of Cwmteuddwr. The land shown in red on the plan at appendix B is the land currently recorded in column 5 of register entry no. 30.

4. The effect of this application, if granted, would be to modify the extent of the dominant tenement concerning land at Safn Y Coed by adding the land shown coloured in blue on appendix B.

5. The documents that were supplied to accompany the application are as follows:

- (a) Official copy of Register of Title and Title Map WA23651 (Appendix C & D)
- (b) Official copy of Register of Title Map of land sold CYM768608 (Appendix E)
- (c) Letter from Cwmdauddwr Commons Association (Appendix F)
- (d) Statement from P.A Bridger, Solicitor (Appendix G)

(e) 2018 Summary of Single Application Form showing 63.24 Ha total land (Appendix H)

6. In addition, the Commons Registration Authority is entitled to consider the statutory documents that it holds in relation to the Register of Common Land, including the original applications for registration and the Register itself. The applicant is not required to provide copies of documents if the Registration Authority issued the document, was a party to it, or the document has been deposited with the registration authority in accordance with any enactment.

Legal Criteria:

7. This application has been made under the provisions of Section 19 (2)b of the Commons Act 2006. This allows any person to make an application to correct a mistake in the commons register, that was not made by the commons registration authority and where the amendment would not affect:

- (i) the extent of any land registered as common land or as a town or village green; or
- (ii) what can be done by virtue of a right of common

8. Section 19(5) allows a registration authority to refuse to correct a mistake if it deems it would be unfair to make the correction.

9. The onus of proving the case in support of the correction of the register of common land rest with the person making the application, and the burden of proof is the normal, civil standard, namely, the balance of probabilities.

Publicity for the application:

10. Under the Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017, publicity must be given to this type of application via the Council website. Notice of the application must also be served on statutory consultees.

12. The public notice of application and a plan of the land appeared on the Council website on 26th February. To allow the required period of not less than 42 days, the deadline for receipt of objections and representations was 9th April 2020.

13. In line with statutory requirements, notice of the application was served on:

- (a) The owner of the land affected by the application.
- (b) The persons who have requested that notice of application be emailed to them.
- (c) The owners of a right of common 'in gross' which is exercisable over the area of land affected by the application.

14. There is a requirement to serve notice on a Commons Council and anyone who has made a declaration of entitlement to rights in the Register of Common Land. However, the provisions to form Commons Councils or make these declarations are not in force in Wales yet, so there are no Commons Councils or holders of declarations on whom notice can be served.

15. In addition, a copy of the notice was sent to St. Harmon Community Council, Rhayader Town Council and Mr J Pugh, who represents the graziers who are registered as holding rights exercisable over registered common RCL036.

Representations:

16. No objections to the proposed amendment were received, however questions relating to the application were received from the Ramblers Association and the Open Spaces Society. The email communication exchange can be seen in Appendix I and J.

Assessment of the evidence against legal criteria:

The Application

17. The application was deemed to have been properly made and advertised in accordance with the relevant statutory requirements. The application seeks to correct the particulars of the land which the right is attached to. This is a change to the extent of a dominant tenement or farm holding. Such an amendment does not alter the extent of land registered as common land or as a town or village green. Nor does it amend the amount of rights of common exercisable.

Whether a mistake was made by the original applicant such that the register should be corrected

18. The right of common attached to the dominant tenement known as Safn Y Coed was registered following application number 982 on a CR Form 9 received in September 1969 from Mr C P Morgan (grandfather to the applicant). The information contained in part 6 of the form (see appendix L) described Safn Y Coed as 157 acres and by a list of Ordnance Survey County Series field numbers and these were copied and entered into the register on 8th September 1969 (see appendix K). The provisional registration, being undisputed, became final on 1st August 1972.

19. The acreage of the field numbers registered have been cross referenced with the County Series Plan. Their total area does not accumulate to 157 acres.

20. The applicant contends that there was an error made by Mr C P Morgan because the list of O.S. field numbers in his application omits some field numbers that formed part of Safn Y Coed in 1969. Of specific concern to the applicant, is the exclusion of field parcels that he has recently sold. These fields are identified on the Title plan for CYM768608 at appendix D. They are also marked on the OS County Series Plan extract at appendix M as field numbers 99, 100 and 703. The applicant has provided documentary evidence to support his claim.

21. A copy of Register of Title number WA23651:

It is of note as it includes the land in question. The land at Safn Y Coed is also referred to by a root of title date of 8/12/1930 in the property register. The full Title is found at appendix C and D.

22. A copy of a letter from the Chairman of Cwmdauddwr Commons Association

This supports the proposed amendment in the register (see appendix F).

23. A statement from the applicant's solicitor:

This states that the property Safn Y Coed has been owned by the Morgan family since at least 1957 (see appendix G).

24. The applicant's SAF Application 2018 Summary:

It is of note as it refers to a total land area of 63.24 acres. This equates to 156.3 acres.

Whether any party places or has placed reliance upon the register such that the correction of the entry would, in all the circumstances, be unfair

25. The applicant has shown there was a mistaken omission in the CR Form 9 application and subsequent rights entry 30 of RCL036, and it is deemed both fair and just to correct the omission. No evidence has been provided to suggest that any party placed reliance on the register such that its correction as applied for would be unfair.

Officer Summary:

On the basis of the information put forward by the applicant, and to the criteria in Section 19 of the 2006 Act, it is concluded that the application should be approved, as it has been shown, on the balance of probability, that a mistake was made by the original applicant on the CR Form 9 when registering the right of common for Safn y Coed.

Recommendation:

That the application be GRANTED as made and that the particulars of the land to which the right of common is attached in column 5 of entry no. 30 on Register Unit RCL36, be amended to include the 17.9 acres of land, as shown coloured blue on the plan at appendix B.

Appendices:

Appendix Label:	Description:
A	Copy of application 20-001CA
B	Notice Plan
C	Official copy of Register of Title WA23651
D	Title Map WA23651
E	Official copy of Title Map of land sold CYM768608
F	Letter from Cwmduddwr Commons Association
G	Statement from P.A Bridger, Solicitor
H	2018 Summary of Single Application Form showing 63.24 Ha total land
I	Email exchange with the Ramblers Association
J	Email exchange with the Open Spaces Society
K	Copy of RCL036 Rights Section Entry number 30
L	Extract from the original CR Form 9
M	Extract from the OS County Series Plan (circa. 1904)

Commons Act 2006: section 19

Application to correct the register

Applicants are advised to read 'the Guide to the Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017: Guidance for applicants' and to note:

- All applicants should complete boxes 1-8.
- Any person can apply under section 19 of the Commons Act 2006.
- You will be required to pay a fee unless your application is to correct a mistake made by the registration authority (section 19(2)(a)) or to remove a duplicate entry (section 19(2)(c)). Please ask the registration authority for details. You will have to pay a separate fee should your application be referred to the Planning Inspectorate, unless it is to correct a mistake made by the local authority or to remove a duplicate entry.

This section is for office use only

Official stamp



Application Number

20-001 CA

1. Commons Registration Authority

Insert name of commons registration authority.

To the: Powys County Council

Tick one of the following boxes to confirm that you have:

- enclosed the appropriate fee for this application or applied under section 19(2)(a) or (c) for a mistake made by the local authority.

2. Name and address of the applicant

If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation or business if you are applying on behalf of such a body. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via an email. If box 3 is not completed all correspondence and notices will be sent to the first named applicant.

Name: Mr Derek Morgan

Address: Safn y Coed, Llangurig, Llanidloes, Powys

Postcode: SY18 6RY

Telephone Number:

Email address:

3. Name and address of representative, if any

This box should be completed if a representative, such as a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or organisation / business named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.

Name: Mr Aled Jones

Address: FUW, Llys Amaeth, Plas Gogerddan, Aberystwyth, Ceredigion

Postcode: SY23 3BT

Telephone Number: 01970820820

Email address: aled.jones@fuw.org.uk

4. Basis of application for registration and qualifying criteria

For further details of the requirements of an application refer to Schedule 1 to the Commons Act 2006 (Correction, Non-Registration or Mistaken Registration) (Wales) Regulations 2017.

Specify the register unit number to which this application relates:

RADNOR CL36 ENTRY 30

Specify the rights number to which this application relates (if relevant):

Tick one of the following boxes to indicate the purpose (described in section 19(2) of the Commons Act 2006 or refer to the guidance) of your application. Are you applying to:

- Correct a mistake made by the commons registration authority
- Correct any other eligible mistake
- Remove a duplicate entry from the register
- Update the details of any name or address referred to in an entry
- Record accretion or diluvion

5. Describe the purpose for applying to correct the register and the amendment sought

Explain why the register should be amended and how you think it should be amended

475 Sheep rights were registered to Safn y Coed in 1968 with a total of 157 acres stated on the application. However some field numbers were missed in error on the original application. The error has only come to light when Mr Morgan sold 2 fields (SN9273 4162 & 7236) in 2019. The fields were sold with grazing rights as it had always been believed that the 475 sheep rights were attached to the whole farm, however when it came to apportioning the rights it was found that the fields were not listed in the field list of the original registration along with several other fields. This was a genuine mistake in the original application as the registration states that it was made as the 'Farm known as Safn-y-coed' and was listed as 157 acres. The farm has remained approximately 156-157 acres with no changes up to the date the 2 fields were sold in 2019. Mr Morgan wishes to correct this mistake so that rights can be apportioned. We would like to amend the entry in the commons register to include all the fields marked within the boundary in red on the copy of the map provided from the title plan WA23651 held on H M Land Registry.

6. Supporting documentation

List all supporting consents, documents and maps accompanying the application, including evidence of the mistake in the register. There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.

Official copy of Register of Title and Title Map WA23651.
Official copy of Register of Title and Title Map of land sold CYM768608.
Letter from Cwmduddwr Commons Association.
Statement from Philip Andrew Bridger, Solicitor.
2018 Summary of Single Application Form showing 63.24 Ha total land.

7. Any other information relating to the application

List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

8. Signature

The application must be signed by each individual applicant, or by the authorised officer on behalf of an (organisation or business)

Signatures:

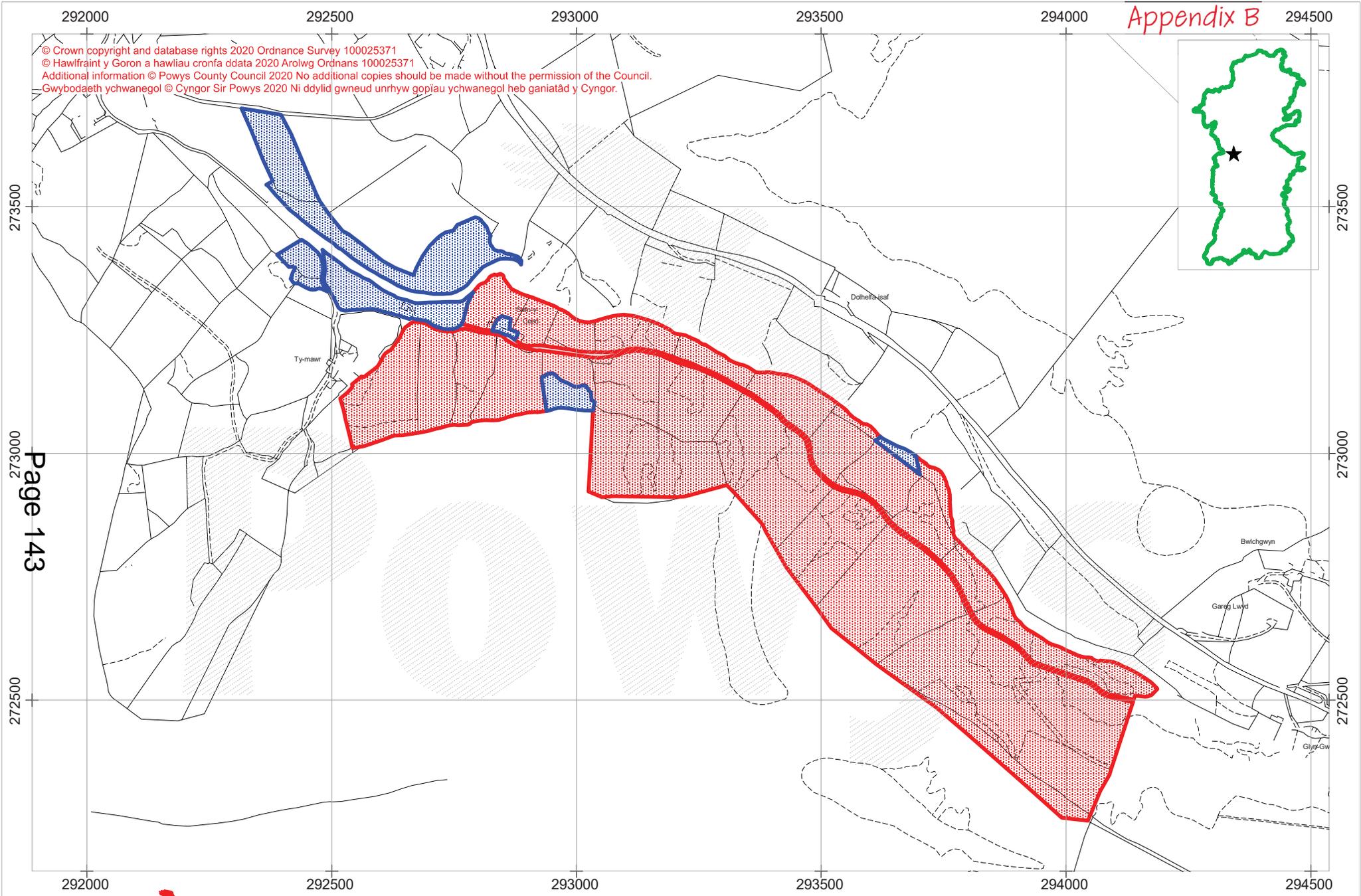
Date: 15th JANUARY 2020.

REMINDER TO APPLICANT

You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted. You are advised to keep a copy of the application and all associated documentation.

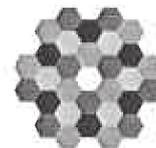
Data Protection Act 1998: The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public. A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.

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Official copy
of register of
title
Copi
swyddogol o
gofrestr teitl

Title number / Rhif teitl
WA23651

Edition date / Dyddiad yr
argraffiad 07.11.2016

- This official copy shows the entries on the register of title on 13 APR 2018 at 09:14:29.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 13 Apr 2018.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Wales Office.
- Mae'r copi swyddogol hwn yn dangos y cofnodion yn y gofrestr teitl ar 13 EBRILL 2018 am 09:14:29.
- Rhaid dyfynnu'r dyddiad hwn fel y "dyddiad y chwilir ohono" mewn unrhyw gais am chwiliad swyddogol sy'n seiliedig ar y copi hwn.
- Y dyddiad ar ddechrau cofnod yw'r dyddiad y gwnaethpwyd y cofnod yn y gofrestr.
- Cyhoeddwyd ar 13 Ebrill 2018.
- Dan adran 67 Deddf Cofrestru Tir 2002, mae'r copi hwn yn dderbyniol fel tystiolaeth i'r un graddau â'r gwreiddiol.
- Gweinyddir y teitl hwn gan Gofrestrfa Tir EM Swyddfa Cymru.

A: Property Register / Cofrestr Eiddo

This register describes the land and estate comprised in the title.

Mae'r gofrestr hon yn disgrifio'r tir a'r ystad a gynhwysir yn y teitl.

POWYS

- 1 (08.12.1930) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Safn Y Coed, Llangurig, Llanidloes (SY18 6RY).

B: Proprietorship Register / Cofrestr Perchnogaeth

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Mae'r gofrestr hon yn nodi'r math o deitl ac yn enwi'r perchennog. Mae'n cynnwys unrhyw gofnodion sy'n effeithio ar yr hawl i waredu.

Title absolute/Teitl llwyr

- 1 (07.11.2016) PROPRIETOR: DEREK MORGAN and VERONICA MORGAN of Safncoed, Llangurig, Llanidloes SY18 6RY.

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

Mae'r copi swyddogol electronig o'r gofrestr yn dilyn y neges hon.

Sylwch mai hwn yw'r unig gopi swyddogol a ddarparwn. Ni fyddwn yn darparu copi swyddogol papur.

B: Proprietorship Register continued / Parhad o'r gofrestr perchnogaeth

- 2 (14.04.1977) RESTRICTION: No disposition by a sole proprietor of the land (not being a trust corporation) under which capital money arises is to be registered except under an order of the registrar or of the Court.
- 3 (07.11.2016) The value stated as at 16 September 2015 was £495,000.
- 4 (07.11.2016) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.
- 5 (07.11.2016) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 16 July 2015 in favour of HSBC Bank PLC referred to in the Charges Register.

C: Charges Register / Cofrestr Arwystlon

This register contains any charges and other matters that affect the land.

Mae'r gofrestr hon yn cynnwys unrhyw arwystlon a materion eraill sy'n effeithio ar y tir.

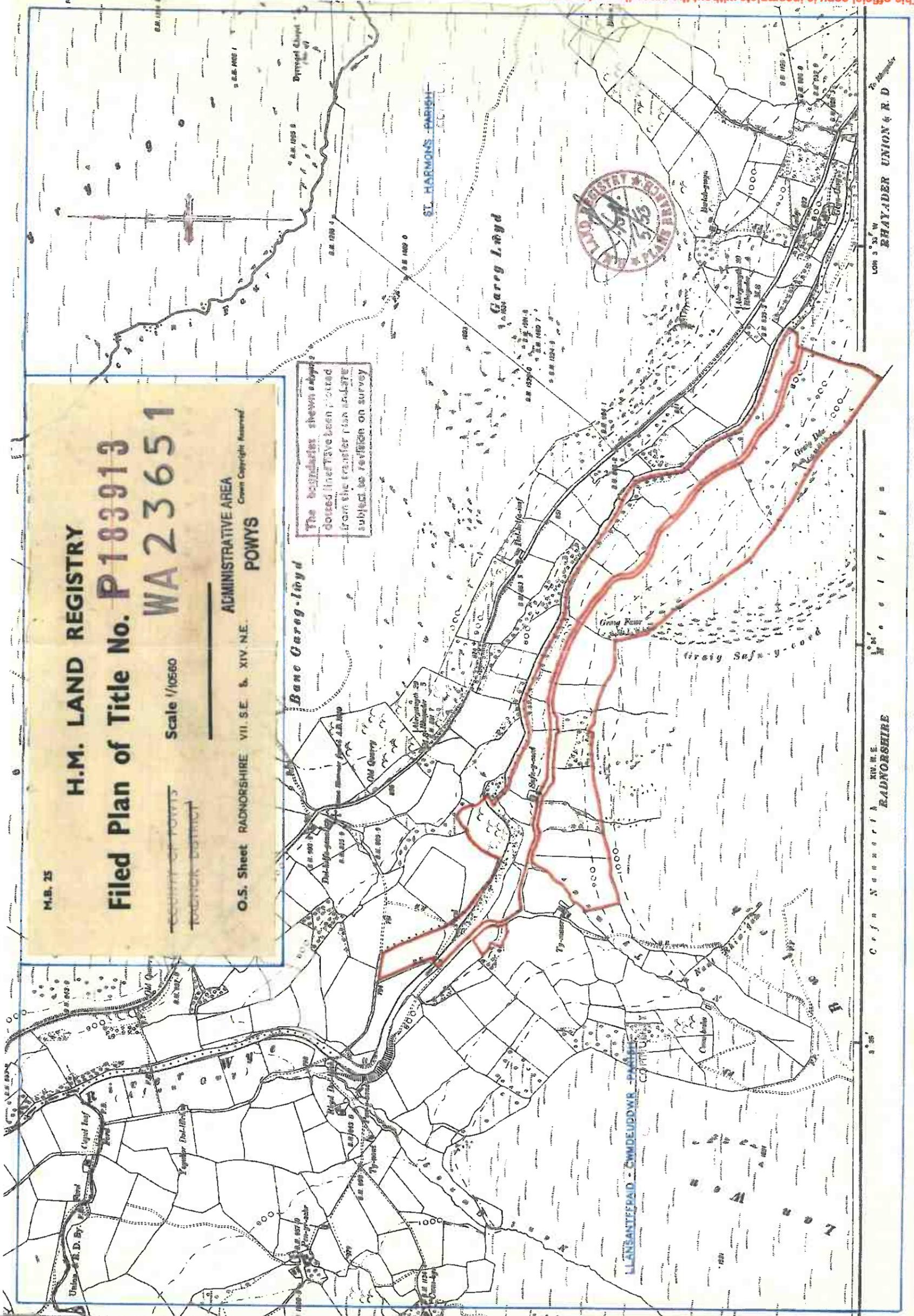
- 1 (28.05.2004) The land is subject to the rights granted by a Deed dated 23 April 2004 made between (1) William John Percival and Eileen Morgan and (2) Trevor Jones and others.

The said Deed also contains restrictive covenants by the grantor.

NOTE: Copy filed.
- 2 (07.11.2016) REGISTERED CHARGE dated 16 July 2015.
- 3 (07.11.2016) Proprietor: HSBC BANK PLC (Co. Regn. No. 14259) 40-54-47 of Securities Processing Centre, P.O. Box 6304, Coventry CV3 9JY.

End of register / Diwedd y gofrestr

This official copy is incomplete without the preceding notes page.
Mae'r copi swyddogol hwn yn anghyflawn heb y dudalen nodiadau flaenorol.



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Cwmduddwr Commoners Association

Doliago
Llanwrthwl
Llandrindod Wells
Powys
LD1 6NU

Aled Jones
County Executive Officer
Farmers' Union of Wales
RWAS Showground
Llanelwedd
Builth Wells
LD2 3NJ

5 September 2019

Dear Aled

Commons Rights : Safnycoed

With reference to your enquiry about the Common Rights relating to the 2 fields sold to Penryochr not included in Derek Morgan Safnycoed's common rights. Cwmduddwr Commoners Association can confirm that the two fields in question were part of Safnycoed when the rights were registered back in the 1960's and the grazing rights associated have always been treated as such.

We hope that this information will assist Derek in changing the entry details on the Commons Register.

Kind regards

James Pugh
Chairman

☎ 01697 810854

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Statement of Philip Andrew Bridger

I, Philip Andrew Bridger of Highgrove, Highbury Close, Llanyre, Llandrindod Wells, Powys.
LD1 6EA will say as follows:-

1. I have acted for the Morgan family as their family solicitor for the best part of 20 years.
2. Throughout that period, I have had to undertake various conveyancing work on their behalf, which has included but has not been limited to, the sale of fishing rights at their farm Safn Y Coed, Llangurig, Llanidloes, Powys. SY18 6RY ("the Property"), the transfer of the Property from Eileen Morgan to Derek Morgan upon the sad passing of William John Percival Morgan, the transfer of the farm from Eileen to Derek Morgan and his wife Veronica Morgan and the sale of some land.
3. On the last occasion upon which I requested the title deeds, unfortunately, their bank only sent me the registered title and there were no pre-registration title deeds with the deeds packet. I can confirm that the property has been owned by the Morgan family since at least 1957 until the present time.

I confirm that the facts stated in this Statement are true.

P A Bridger

Dated

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Summary - Schemes

Important: Please review this Summary. Please scroll down, if applicable.

Date Submitted: 21/03/2018

The following summarises your SAF 2018 application as completed by you. It also summarises your SAF 2017 to enable you to compare both years to help you identify possible discrepancies. The 2017 information is based on applications which have completed validation only. Therefore information will not appear where a SAF 2017 or individual scheme application was either not submitted or is still undergoing validation.

This Summary is for information purposes only, does not confirm any information in your application is correct, and does not form part of your SAF 2018 application.

Where schemes were not claimable on the SAF 2017, "N/A" will be displayed.

All areas are expressed in Hectares, and are for Welsh land only. No area is shown for BPS 2018 Common Land because the allocation of forage area to common land rights may vary from year to year.

Schemes

2018 (Declared) 2017 (Determined)

Total SAF Land Declaration

Total Land Area 63.24 63.24

Total Number of Field Parcels 34 34

BPS

Claimed Claimed

Land Area

51.05 51.05

Common Land

✓ 88.88

Number of Field Parcels

25 25

Number of Entitlements

138.80 138.80

BPS Young Farmer Payment

Not Claimed

Not Claimed

Appendix H

Glastir Entry (GE)

Number of Field Parcels

Claimed

34

Claimed

34

Glastir Advanced (GA)

Not Claimed

Not Claimed

Glastir Entry with Glastir Advanced (GE/GA)

Not Claimed

Not Claimed

Glastir Organic (GO)

Not Claimed

Not Claimed

Glastir Woodland Creation Premium - contracts signed before 1 October 2015 (GWCP)

Not Claimed

Not Claimed

Glastir Woodland Management (GWM)

Not Claimed

Not Claimed

Glastir Woodland Creation Maintenance - contracts signed after 1 October 2015 (GCM)

Not Claimed

Not Claimed

Glastir Woodland Creation Premium - contracts signed after 1 October 2015 (GCP)

Not Claimed

Not Claimed

Improved Land Premium (ILP)

Not Claimed

Not Claimed

Summary - Crops

Important: Please review this Summary. Please scroll down, if applicable.

The following areas are as declared / claimed by you. They do not confirm eligibility of the crops for the schemes claimed.

All areas are expressed in Hectares, and are for Welsh land only.

Crops	Total Declared	BPS Claimed
Total	63.24	51.05
Buildings / yards - (ZZ89)	0.24	0.00
Grass - permanent - over 5 years - (GR2)	51.05	51.05
Rivers and Streams - (ZZ31)	3.11	0.00
Roads - (ZZ94)	1.61	0.00
Scree / Rock outcrops / Boulders / Sand - scattered - (YY41)	0.28	0.00
Scrub / Gorse / Briar - scattered - (YY23)	0.02	0.00
Woodland - broadleaf - group - (ZZ11)	3.85	0.00
Woodland - broadleaf - stock excluded - ineligible for BPS - (WS1)	1.22	0.00
Woodland - coniferous - group - (ZZ10)	1.75	0.00
Woodland - trunks and stumps - (YY16)	0.11	0.00

RD Schemes - Secondary Crops

Secondary Crop area declared for RD Schemes

GE	GA	GE/GA	GO
0	0	0	0

Summary - BPS Greening

Based on your declaration in the Field Data section, you do not need to satisfy the Ecological Focus Area (EFA) requirement as you do NOT have more than 15 hectares of Arable Land.

(Please note that if our validation checks show that you have more than 15ha of Arable Land, then you will fail to meet the requirements under BPS-Greening if you have not declared EFAs).

The figures in the following summary are based on the details you have included within your application. This is for Welsh land only and does not take account of any land declared in other parts of the UK. As your application is still subject to validation, they do not confirm you have definitely satisfied the BPS greening requirements. We strongly recommend you check that all of the information you have declared is accurate, and that you have ensured you have sufficient numbers and coverage of crops for Crop Diversification and EFAs where necessary to meet the greening requirements. Please bear in mind that should some of your land be found ineligible during validation of your application, this could affect whether you have delivered sufficient area for Crop Diversification, sufficient features and areas for EFA and the application of any greening exemptions. It could be useful therefore to have declared additional greening land to take account of any such reduction. Otherwise your greening payment may be reduced.

IMPORTANT: Please note that the following does not take into account the organic exemption or the 50% of new land exemption. If you are using either of these exemptions we are unable to confirm if you have met the BPS greening requirements until your application is submitted and fully validated.

Please note: Common land cannot be taken into account in your greening calculation until your application has been fully validated and a notional area applied. Therefore, all the information in this summary is based purely on your enclosed land details within the Field Data section.

Area Totals (ha)

Agricultural land	51.05
Permanent Grassland	51.05

Crop Diversification not required because Arable Land does not exceed 10 hectares.

EFA not required because Arable Land does not exceed 15 hectares

EFA not required because at least 75% of your eligible agricultural land is permanent grassland, or is used to produce grasses (or herbaceous forage), including temporary grass, or is used for the cultivation of crops under water.

BPS greening requirements have been met, based on the information you have declared.

Re: Notice of an application to correct the register Safan Coed, Dernol.

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)
Wed 26/02/2020 19:17

 Richard Tyler 
To  Claire Lewis
Cc  grahamctaylor@outlook.com
Retention Policy Default Email Policy - 7 Year Delete (7 years) Expires 24/02/2027

 Follow up. Completed on 26 March 2020.
You replied to this message on 27/02/2020 09:53.
We removed extra line breaks from this message.

Dear Claire, Thank you your email. Is it possible to provide background information as to why these areas were missed from the original registration. It appears that much of this common is open access land. Will access rights be extended to any parts which are now being included which don't form part of the open access areas?

Kind regards Richard Tyler Deputy Area Footpath Secretary Powys Ramblers

RE: Notice of an application to correct the register Safan Coed, Dernol.

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)
Thu 27/02/2020 09:53

 Claire Lewis
To  Richard Tyler
Cc 
Retention Policy Default Email Policy - 7 Year Delete (7 years) Expires 25/02/2027

 Follow up. Completed on 23 June 2020.
We removed extra line breaks from this message.

 Extract from CR Form 9.pdf
77 KB

Hi Richard

The area to be added is not to be a further area of registered common land. The application is to amend the description of the dominant tenement (a farm that has grazing rights over the common). In this particular case the CR Form 9 application described the farm known as Safn-y-Coed as being some 157 acres (extract attached) however it did not correctly list all of the relevant OS County series field numbers, presumably due to a clerical error.

When a farm is sold and split up the grazing rights are apportioned on a pro rata acreage basis. The applicant has sold part of his farm but didn't realise that the area had been missed from the original application and is now attempting to rectify it. Title documents and a letter from the grazier association have been provided in support of the application.

Cofion Cynnes/ Kind Regards

Claire Lewis

Re: Notice of an application to correct the register

[↩ Reply](#) [↩ Reply All](#) [→ Forward](#) [⋮](#)
Thu 05/03/2020 20:22

 Richard Tyler 
To  Claire Lewis
Retention Policy Default Email Policy - 7 Year Delete (7 years) Expires 04/03/2027

 Follow up. Completed on 26 March 2020.
You replied to this message on 06/03/2020 10:10.
We removed extra line breaks from this message.

Dear Claire, I now confirm that Ramblers have no further comment to make on this application.

Kind regards, Richard Tyler

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RE: Commons Application 20 - 001 CA

 Hugh Craddock <hughcraddock@oss.org.uk>
To  Claire Lewis

Retention Policy Default Email Policy - 7 Year Delete (7 years)

 Follow up. Completed on 26 March 2020.
You replied to this message on 04/03/2020 15:02.

 Reply  Reply All  Forward 

Wed 04/03/2020 12:34

Expires 03/03/2027

Hi Claire

Thank you for the data in respect of application 20–001CA. The society has no legal interest in the application land.

It does appear that there is a discrepancy between the land specified in the original application as comprising the dominant tenement, and the claimed area of the farm at that time. If so, and it can be shown that the omitted fields bring the total area of land comprising the dominant tenement up to the claimed 157 acres, then that appears to satisfy the requirements of an application for the purposes of s.19(2)(b).

It is noted that some of the omitted land has already been sold subject to the rights of common said to be attached to that land (but which were not attached at the time of the conveyance). Presumably, the purchaser of that land intends to apply to apportion the rights of common if, and only if, the application under s.19 is granted?

regards

Hugh

Hugh Craddock
Case Officer
Open Spaces Society
25a Bell Street
Henley-on-Thames
RG9 2BA

RE: Commons Application 20 - 001 CA

 Claire Lewis
To  Hugh Craddock

Retention Policy Default Email Policy - 7 Year Delete (7 years)

 Reply  Reply All  Forward 

Wed 04/03/2020 15:03

Expires 03/03/2027

Dear Hugh

Thank you for your email. Yes, the applicant sold part of his farm in the honest belief that it formed part of the dominant tenement and had the benefit of grazing rights. He was surprised that the issue hadn't been picked up by his solicitor during the property search process, but as you'll be aware the CON29 Q 22 would not do this. The applicant is now trying to do the honourable thing at his expense to rectify the situation so that the purchaser of the land can apply for an apportionment of the right of common.

Cofion Cynnes/ Kind Regards

Claire Lewis
Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol
Assistant Commons Registration and Definitive Map Officer
Ffon/Tel: 01597 827625 Ffacs/Fax: 01597 829062

RE: Commons Application 20 - 001 CA

 Hugh Craddock <hughcraddock@oss.org.uk>
To  Claire Lewis

Retention Policy Default Email Policy - 7 Year Delete (7 years)

 Follow up. Completed on 26 March 2020.
You replied to this message on 05/03/2020 16:42.

 Reply  Reply All  Forward 

Thu 05/03/2020 07:10

Expires 04/03/2027

Hi Claire

Thanks for the confirmation. I did wonder whether it really were possible to do things that way around, but concluded that — notwithstanding the apportionment must be done under the 1965 Act — the answer is probably yes, even if there feels to be something slightly cart-before-horse about it.

regards

Hugh

Hugh Craddock
Case Officer
Open Spaces Society

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Register unit No. CL 36
Edition No. 1

Register of COMMON LAND

(Wastes of Manor of Grange of Cwmdauddwr)
(Wastes of Manor of Cwmdauddwr)

CL 36
RIGHTS SECTION—Sheet No. 15

See Overleaf for Notes

Note: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
29 4. 7.1968	738 25.6.1968	MARY Rees , Rees, Llanfadog, Isaf, Elan Valley. (Tenant)	To graze over part of the common land in this register unit, namely Manor of Grange of Cwmdauddwr, 220 sheep. A right of turbary, estovers including a right to cut fern. (Registration provisions) (See note 1 overleaf)	See plan 2A in the supplement map register.
30 8. 9.1968	982 2. 9.1969	WILLIAM JOHN PERCIVAL MORGAN & CO. G. P. Morgan , Safn-y-coed, Llangurig, Mont. (Owner)	The registration at entry No. 29 above, being undisputed became final on 1st October, 1970 To graze over part of the common land in this register unit, namely Manor of Grange of Cwmdauddwr, 475 sheep. A right of turbary, estovers including a right to cut fern. (Registration provisions)	Safn-y-coed, Llangurig O.S. Nos:- 95, 93, 91, 90, 88, 87, 85, 84, 82, 83, 80, 81, 79, 78a, 78, 98, 97, 160, 161, 162, 163, 164, 89, Total area ~ 157 acres
			The registration at entry No. 30 above, being undisputed became final on 1st August, 1972.	

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Part 4.
(See Notes 3 and 4.)

Description of the land over which the right of common is exercisable.

Appendix L

Name by which commonly known Waste of the Manor of Grange of Cwmlleudwr
 Locality Parish of Llansantffraid Cwmlleudwr

*Delete reference to plan where none is submitted. A plan must be used except as mentioned in Note 4.

Colour on plan
See County Register Unit n° C.L. 36. (Yellow)

Part 5.
(See Notes 3 and 7. If the right is exercisable only during limited periods, full particulars of these periods must be given.)

Description of the right of common.

1. Common of Pasture. "475 Sheep"
2. Common of Turbary
3. Common of Estovers, including right to cut fern.

Part 6.
(See Note 4. If the right is not attached to any land, the fact should be stated here.)

Description of the farm, holding or other land to which the right is attached, if any.

Farm known as "Safn-y-coed" in the Parish of Llansantffraid Cwmlleudwr.
 Ord. Survey 25" Edition 2 Sheet no. 7

Field Nos. comprising the Freehold:—

OS Acres	OS Acres	OS Acres	OS Acres	Total
05 95 = 24.562	05 = 2.376	05 Acres	162 = 1.229	154 acres
93 = 2.301	85 = 2.825	49 = 2.376	163 = 3.482	
91 = 585	84 = 3.119	78a = .370	164 = 6.304	
90 = 3.056	82 = 1.449	78 = 5.276	89 = 9.250	
88 = 30.194	82 = 1.449	98 = 5.276	89 = 9.250	
87 = 3.244	83 = .484	97 = 1.417	89 = 9.250	
	80 = 4.092	Total Acreage of Freehold.		
	81 = 5.526	160 = 4.061		
		164 = 1.822		

Part 7.
(See Note 8.)

For applications submitted after 30th June, 1968 (to be disregarded in other cases).

Does the prescribed fee of £5 accompany this application? If not, state whether this is for reason (a) or (b) mentioned in Note 8, and give the appropriate particulars required by that note.

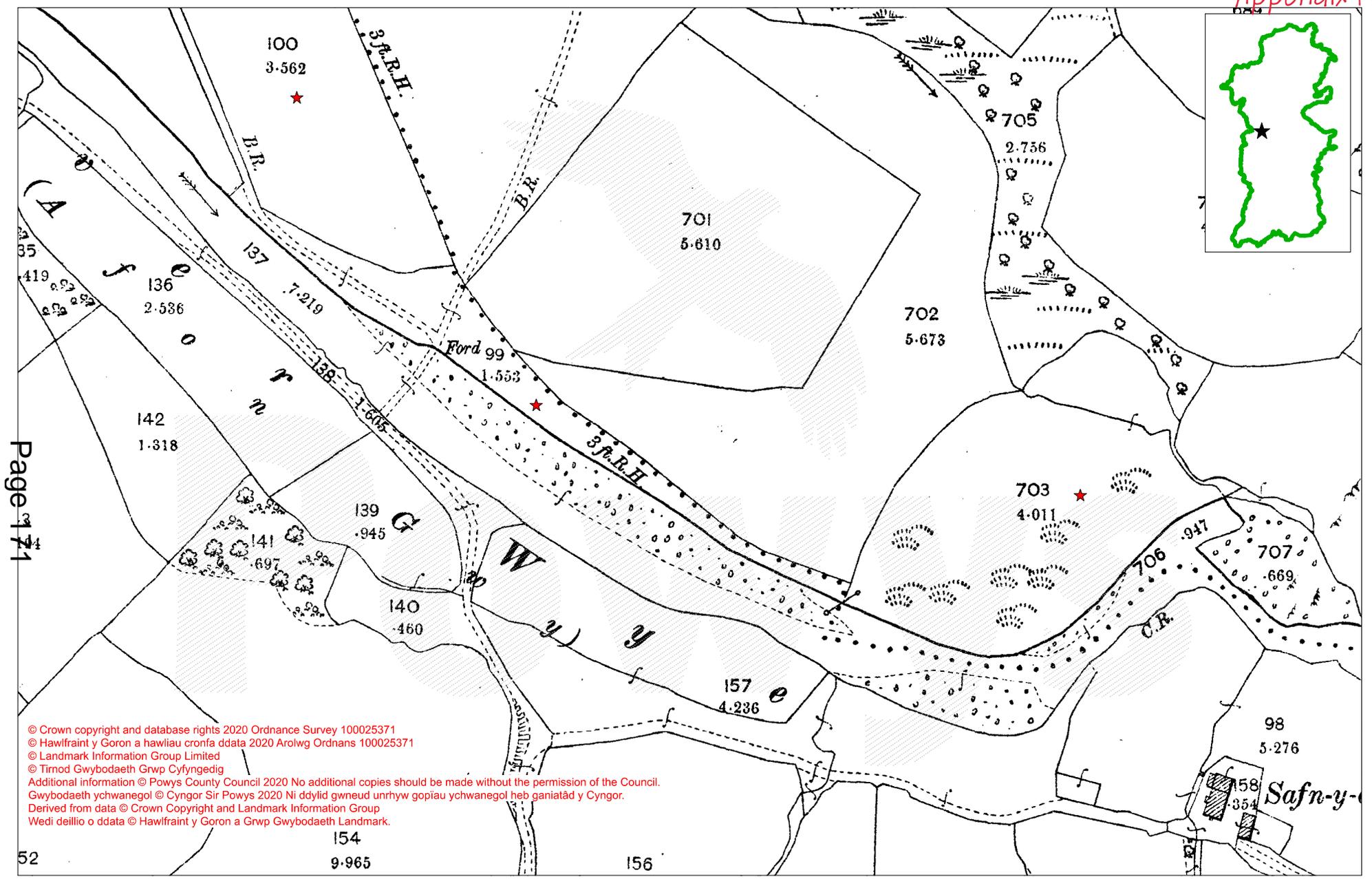
No. Form 5. submitted prior to 30.6.1968

*The application must be signed by the applicant, or by every applicant, personally, unless the applicant is a body corporate or charity trustees, in which case it must be signed by the secretary or some other duly authorised officer.

*Signature(s) of applicant(s) or of person on his or their behalf.

[Redacted Signature]

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Page 171

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